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no. 48  
December



# 1991 *Illinois Register*

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## Rules of Governmental Agencies

Volume 15, Issue 48 — December 2, 1991

Pages 17007-17426

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Administrative Code Div.  
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Springfield, IL 62756  
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published by  
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Secretary of State



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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
Jan. 8, 1991	Jan. 15, 1991	4	Jan. 25, 1991	July 16, 1991	July 23, 1991	31	Aug. 2, 1991
Jan. 15, 1991	Jan. 22, 1991	5	Feb. 1, 1991	July 23, 1991	July 30, 1991	32	Aug. 9, 1991
Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
Jan. 29, 1991	Feb. 5, 1991	7	Feb. 15, 1991	Aug. 6, 1991	Aug. 13, 1991	34	Aug. 23, 1991
Feb. 5, 1991	Feb. 11, 1991	8	Feb. 22, 1991	Aug. 13, 1991	Aug. 20, 1991	35	Aug. 30, 1991
Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
Feb. 19, 1991	Feb. 26, 1991	10	Mar. 8, 1991	Aug. 27, 1991	Sept. 3, 1991	37	Sept. 13, 1991
Feb. 26, 1991	Mar. 5, 1991	11	Mar. 15, 1991	Sept. 3, 1991	Sept. 10, 1991	38	Sept. 20, 1991
Mar. 5, 1991	Mar. 12, 1991	12	Mar. 22, 1991	Sept. 10, 1991	Sept. 17, 1991	39	Sept. 27, 1991
Mar. 12, 1991	Mar. 19, 1991	13	Mar. 29, 1991	Sept. 17, 1991	Sept. 24, 1991	40	Oct. 4, 1991
Mar. 19, 1991	Mar. 26, 1991	14	Apr. 5, 1991	Sept. 24, 1991	Oct. 1, 1991	41	Oct. 11, 1991
Mar. 26, 1991	Apr. 2, 1991	15	Apr. 12, 1991	Oct. 1, 1991	Oct. 8, 1991	42	Oct. 18, 1991
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Apr. 23, 1991	Apr. 30, 1991	19	May 10, 1991	Oct. 29, 1991	Nov. 5, 1991	46	Nov. 15, 1991
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May 7, 1991	May 14, 1991	21	May 24, 1991	Nov. 12, 1991	Nov. 19, 1991	48	Dec. 2, 1991 (Mon.)
May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
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June 11, 1991	June 18, 1991	26	June 28, 1991	Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992
June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: • 89 Ill. Adm. Code 240
- 3) Section Numbers: Proposed Action:  
 240.430 Amendment  
 240.435 Amendment  
 240.720 Amendment  
 240.725 Amendment
- 4) Statutory Authority: Ill. Rev. Stat., Ch. 23 Sections 6104.01(4), (9), (11) and (12); 6104.02, 6104.03 and 6105.02
- 5) A Complete Description of the Subjects and Issues Involved:

Many state programs and services have been reduced dramatically or even eliminated because of the need to balance the state's budget and restore fiscal stability after years of overspending. Millions of dollars in cuts were enacted and thousands of state government jobs are being eliminated through layoffs, attrition and an early retirement program. Through all this, the Community Care Program remained a priority and funding for it actually increased because of its importance to helping older adults across this state maintain their dignity and independence. However, even with the increase in funding, resources will be strained as the Department on Aging responds to the increased demand for services offered through the Program. Accordingly, the Department must assure it is helping those people who need the care the most.

Therefore, in order for the Department on Aging to be able to adjust service delivery to ensure that the resources of the Community Care Program are targeted appropriately and that all elderly requiring service will receive service, it has become necessary for the Department to amend those rules which deal with service maximums based on the client's Determination of Need score and those rules which deal with client appeals.

Effective November 15, 1991, those agencies which provide in-home and adult day care services under the Community Care Program began to adjust service delivery pursuant to emergency amendments. All agencies under such contract with the Department were affected by this rulemaking.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

The purpose of this rulemaking is to allow the Department to adjust service delivery, thereby ensuring that the limited resources of the program are distributed equitably and the distributed most specifically to those elderly in the greatest economic and social need; and, allow the Department to afford each applicant/client their appeal rights in accordance with Departmental rule requirements and statutory mandates.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date?  
 Yes    No   X
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any proposed amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.655	Amendment	10/11/91:15 Ill.Reg. 14335
240.1400	New Section	12/14/90:14 Ill.Reg. 19415
240.1410	Amendment	12/14/90:14 Ill.Reg. 19415
240.1420	Amendment	12/14/90:14 Ill.Reg. 19415
240.1430	Amendment	12/14/90:14 Ill.Reg. 19415
240.1440	New Section	12/14/90:14 Ill.Reg. 19415
240.1710	New Section	12/14/90:14 Ill.Reg. 19415
240.1720	New Section	12/14/90:14 Ill.Reg. 19415
240.1960	New Section	12/14/90:14 Ill.Reg. 19415

- 10) Statement of Statewide Policy Objectives: Not applicable.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rule by writing to Ms. Mary J. Mayes, Policy and Rules Analyst, Illinois Department on Aging, 421 East Capitol Avenue, Springfield, Illinois 62705 within 45 days after the date of this issue of the Illinois Register.

This rule may have an impact on small businesses. In accordance with Sections 3.01 and 4.02 of the Illinois Administrative Procedure Act, any small business may present their comments to Mary J. Mayes at the above address.



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on this rule shall indicate their status as such, in writing, in their comments.

In addition, the Department on Aging will hold a PUBLIC HEARING on this rulemaking:

DATE: December 17, 1991  
TIME: 8:30 A.M. until 1:00 P.M.  
LOCATION: Room 161 (Auditorium)  
Centennial Building  
2nd and Edwards Streets  
Springfield, IL

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 15, 1991

B) Types of small businesses affected:

Agencies contractually providing in-home and adult day care services through the Community Care Program.

C) Reporting, bookkeeping or other procedures required for compliance:

Standardized programmatic procedures specified in 89 Ill. Adm. Code 240.

D) Types of professional skills necessary for compliance:

Experience in health or social sciences, social work, or health service administration.

The full text of the Proposed Amendments is identical to the text of the emergency amendments which appears in this issue of the Register on page 17401.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: COMMISSARIES

2) Code Citation: 20 Ill. Adm. Code 210

3) Section Numbers: Proposed Action:

210.20 Amendment  
210.30 Amendment

4) Statutory Authority: Implementing Section 3-7-2a and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-7-2a and 1003-7-1).

5) A Complete Description of the Subjects and Issues Involved: The amendment to Rule 210.20 is being proposed to eliminate the requirement of a physical examination for committed persons or employees assigned to handle non-packaged food in commissaries. Instead such persons shall be screened by medical staff prior to working in food service areas consistent with 20 Ill. Adm. Code 502. The amendment to Rule 210.30 eliminates the frequency in which commissary profits shall be transferred to the appropriate benefit fund.

6) Will this proposed rule replace an emergency rule currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? Yes  
X No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

All written comments received within 45 days of the date of this publication will be considered.

- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER 1: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER b: FISCAL AND BUSINESS MANAGEMENT

PART 210  
COMMISSARIES

Section  
210.10 Applicability  
210.20 Commissary Operations  
210.30 Commissary Profits

AUTHORITY: Implementing Section 3-7-2a and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-7-2a and 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14417, effective August 1, 1984; amended at 10 Ill. Reg. 12567, effective August 1, 1986; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.

Section 210.20 Commissary Operations

- a) Each adult and juvenile facility may establish a commissary or canteen for committed persons.
- b) Items sold in the committed persons' commissary shall be shown on an approved listing of standard commissary items.
- c) Commissary credit shall not be extended.
- d) Committed persons or employees assigned to commissaries which handle where non-packaged food is handled shall be examined screened by the facility physician and approved for such work before the assignment is made and annually thereafter: medical staff prior to commencing work in food service areas.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.)

Section 210.30 Commissary Profits

At least once per quarter, the net profit available for transfer Commissary profits shall be transferred to the appropriate benefit fund.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.)



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Notice of Eligibility

2) Code Citation: 50 Ill. Adm. Code 6701

3) Section Numbers: Proposed Action:

6701.EXHIBIT A

Amended

4) Statutory Authority: Implementing and authorized by Section 11 of the Comprehensive Health Insurance Plan Act (Ill. Rev. Stat. 1989, ch. 73, par. 1311) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).

5) A Complete Description of the Subjects and Issues Involved: Persons who are interested in obtaining more information about the CHIP program will now need to contact the Springfield CHIPS Office. This proposed amendment simply changes the mailing address and telephone number accordingly.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kirk H. Petersen, Assistant Chief Counsel  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rule will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:



DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jjj: COMPREHENSIVE HEALTH INSURANCE PLAN

PART 6701  
NOTICE OF ELIGIBILITY

Section  
6701.10 Purpose and Scope  
6701.20 Definitions  
6701.30 Notice of Requirements  
EXHIBIT A Notice of Eligibility

AUTHORITY: Implementing and authorized by Section 11 of the Comprehensive Health Insurance Plan Act (Ill. Rev. Stat. 1989, ch. 73, par. 1311) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).

SOURCE: Adopted at 13 Ill. Reg. 5951, effective April 18, 1989; amended at Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_.

Section 6701.EXHIBIT A Notice of Eligibility

NOTICE OF ELIGIBILITY FOR THE  
ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

You and/or your dependents may be eligible for health insurance coverage under the Illinois Comprehensive Health Insurance Plan (CHIP), which has been established by the State of Illinois to provide such coverage for Illinois residents. CHIP is for people who need ... and can afford health insurance, but who cannot obtain it because of a medical or physical condition. If you are interested in obtaining more information about CHIP, please contact:

The Illinois Comprehensive Health Insurance Plan  
Administering-Carrier-Mutual-of-Omaha  
Box-#207-One-Westbrook-Corporate-Center  
Westchester,Illinois-60154  
1-800-456-0224  
Office of the Board of Directors  
400 West Monroe Street, Suite 202  
Springfield, Illinois 62704-1823  
1-800-962-8384

(Source: Amended at Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: GENERAL PROVISIONS

2) Code Citation: 35 Ill. Adm. Code 1420

3) Section Numbers: Proposed Action:

1420.101 New Section  
1420.102 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1056.2(e), as amended by P.A. 87-752, effective January 1, 1992.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Opinion of November 7, 1991 in R91-19, which Opinion is available from the address below.

The Board reserved this docket on August 9, 1991 and issued an Order on August 26, 1991 stating that we had opened this docket for the purposes of a new legislative mandate contained in H.B. 2491, then awaiting the Governor's signature. The Governor signed H.B. 2491 (now designated P.A. 87-752) on September 26, 1991. It becomes effective January 1, 1992.

Public Act 87-752 imposes four mandates on the Board, each of which includes a deadline for Board action:

1. Repeal of existing Board regulations relating to medical wastes (new Section 56.2(d)), due by January 1, 1992, the subject of docket R91-18);
2. Adopt rules identical in substance to the etiologic agents in Class 4 in a 1974 federal Centers for Disease Control, Office of Biosafety listing: Classification of Etiologic Agents on the Basis of Hazard (new Section 56.2(e), due January 1, 1992, the subject of this docket);
3. Adopt rules setting forth the standards for facilities treating, storing, and transferring potentially infectious medical wastes (new Section 56.2(a), due January 1, 1993, the subject of docket R91-20); and
4. Adopt rules setting forth standards for transportation, packaging, segregation, labelling, and marking of potentially infectious medical wastes (new Section 56.2(c), due January 1, 1993, the subject of docket R91-21).

The action taken today in this docket proposes a listing of Class 4



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Agents based on the U.S. Department of Health and Human Services, Centers for Disease Control, Office of Biosafety publication entitled "Classification of Etiologic Agents on the Basis of Hazard," (4th edition, July 1974). This action is pursuant to new Section 56.2(e) of the Environmental Protection Act (to be codified as Ill. Rev. Stat. 1989 ch. 111½, par. 1056.2(e), effective January 1, 1992).

P.A. 87-752 (H.B. 2491), particularly new Section 56.1 (of new Title XV: Potentially Infectious Medical Waste), includes various prohibitions against the improper disposal, delivery, transport, storage, treatment, transfer, and packaging of potentially infectious medical wastes (PIMWs). This Section and Sections 56.3 and 56.4 also include permitting, manifesting, and reporting requirements for various activities related to PIMWs.

Section 56.2(e) mandates that the Board adopt a listing of Class 4 etiologic agents by identical-in-substance procedures:

No later than January 1, 1992, the Board shall adopt rules that are identical in substance to the list of etiologic agents identified as Class 4 agents as set forth in "Classification of Etiological Agents on the Basis of Hazard, 1974", published by Centers for Disease Control. If the Centers for Disease Control amends the listing of etiologic agents identified as Class 4 agents as set forth in "Classification of Etiological Agents on the Basis of Hazard, 1974", the Board shall adopt rules that are identical in substance to the amended list within 180 days after the Centers for Disease Control amendment. The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection (e). Section 5 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to rules adopted under this subsection (e).

The ultimate effect of fulfilling this mandate is to add definition to one segment of the broader universe of PIMWs. Section 3.81(a) of this legislation (to be codified as Ill. Rev. Stat. 1989 ch. 111½, par. 1003.81(a)) defines "potentially infectious medical waste". Subsection 3.81(b)(6) includes "isolation waste" as part of the definition, as follows:

Isolation waste. This waste shall include but not be limited to discarded waste materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified by the Board in rules adopted under

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

subsection (e) of Section 56.2 of this Act.

The 1974 document referred to by P.A. 87-752 defines five classes of etiologic agents:

Class 1: Pathogenic agents of no or minimal hazard under ordinary conditions of handling. Class 1 Agents include all agents not classified as any of Classes 2 through 5 Agents.

Class 2: Pathogenic agents of ordinary potential hazard. Class 2 Agents include those which may produce disease from accidental inoculation or injection or other means of cutaneous penetration but which are contained by ordinary laboratory techniques.

Class 3: Pathogenic agents involving special hazard, or pathogenic agents derived outside the U.S. which require a federal permit for importation, unless the pathogenic agent is specified for higher classification. Class 3 Agents include those for which special conditions for their containment are required.

Class 4: Pathogenic agents that are extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 Agents include Class 3 Agents derived from outside the U.S. when they are employed in entomological experiments or when other entomological experiments are conducted in the same laboratory area. Class 3 Agents include those that require the most stringent conditions for their containment.

Class 5: Pathogenic agents that are excluded from the U.S. by law or U.S. Department of Agriculture administrative policy.

Aside from the narrative description of what falls within each class, the 1974 document includes listings of the Class 2, Class 3, Class 4, and Class 5 agents. The listings are divided into separate sublists of bacterial agents; fungal agents; parasitic agents; and viral, rickettsial, and chlamydial agents. The listing for Class 4 agents includes the following:

Bacterial agents: no pathogenic agents specifically listed.

Fungal agents: no pathogenic agents specifically listed.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Parasitic agents: no pathogenic agents specifically listed.

Viral, Rickettsial, and Chlamydial agents:

Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments)

Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined)

Herpesvirus simiae (Monkey B virus)

Lassa virus

Marburg virus

Tick-borne encephalitis virus complex (including Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever, and Central European encephalitis viruses)

Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments)

Yellow fever virus (wild, when used for transmission or animal inoculation experiments)

Thus, the Class 4 listing of etiologic agents is limited to a very small number of viral agents.

The intent of the CDC classification is to "define[] minimal safety conditions for their management without restricting or hampering bona fide microbiological investigations." The purpose is to foster safety for work using these agents in the laboratory setting.

In 1986, the Department of Health and Human Services (successor to the Department of Health, Education, and Welfare), National Institutes of Health published "Guidelines for Research Involving Recombinant DNA Molecules" in the Federal Register. This set of guidelines applied to all institutions engaged in recombinant DNA research that received funding from the National Institutes of Health. It used the Class 1 through Class 5 system established by the CDC in the 1974 document "Classification of Etiological Agents on the Basis of Hazard." The NIH revised the list for the purposes of the Guidelines. Class 4 no longer included Alastrim, Smallpox, and Whitepox. These are all prohibited from study in the United States except at specified facilities, and a

## POLLUTION CONTROL BOARD

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note indicated that all activities relating to variola (smallpox) and whitepox were restricted to a single facility.

In 1988, the CDC and NIH conjunctively published "Biosafety in Microbiological and Biomedical Laboratories." This document "describ[es] combinations of standard and special microbiological practices, safety equipment, and facilities that constitute biosafety levels 1-4, which [were] recommended for working with a variety of infectious agents in various laboratory settings." "Classification of Etiological Agents on the Basis of Hazard" "served as the basic format" for this 1988 publication, and the 1988 publication included a revised version of the 1974 document.

The classification system under the 1988 biosafety recommendation is more elastic than the 1974 classification. Rather than assign etiologic agents to classes, the 1988 publication assigns them to biosafety levels (Biosafety Level (BL) 1 through BL 4), which can change for any specific agent, depending on the laboratory setting and nature of the experimentation. For example, Herpesvirus simiae, in Class 4 in 1974, is in BL 3 for materials known to contain the virus and in BL 4 for the propagation of the virus or for activities involving infected nonhuman primates. The pox viruses, other than smallpox; yellow fever virus; and one strain of Venezuelan equine encephalitis virus, in Class 4 in the 1974 Classification, are in BL 2 for immunized workers. In the 1988 document, BL 4 includes only Congo-Crimean hemorrhagic fever, tick-borne encephalitis complex (Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian Spring-Summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo viruses from the 1974 Class 4 list. Added to BL 4 and not appearing in Class 4 of the 1974 Classification are four tick-borne encephalitis viruses: Absettarov, Hanzalova, Hypr, and Kumlunge.

In light of the character of the 1974, 1986, and 1988 publications, the Board concludes that it must base the list of Class 4 agents on the 1974 document with the addition of the four tick-borne encephalitis viruses added in 1988.

Many reasons exist for not relying on the 1986 Recombinant DNA Guidelines and the 1988 Biosafety in Laboratories as updates of the 1974 CDC Classification. First, as to the 1986 Recombinant DNA Guidelines, the NIH is independent of the CDC, and Section 56.2(e) specifically refers to updates by the CDC. This document is not as complete a listing of Class 4 agents, due to the omission of the three pox viruses, for reasons unrelated to their relative hazard. Second, as to the 1988 Biosafety in Laboratories, the classification is largely dependent on factors immaterial to wastes generated in the clinical setting. Third, as to both documents, neither expressly claims to be an update of the 1974 classification (although the 1988 document claims to be an updated system for managing etiologic agents in the laboratory).



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In addition to the definitions of "class 4 etiologic agent," "highly infectious disease," and "isolation waste," the Board will set forth the definition of "potentially infectious medical waste." The language of each definition tracks the statutory language to the maximum extent possible. Capitalization of those passages highlights this fact pursuant to 1 Ill. Adm. Code 100.380.

- 6) Will these proposed rules replace emergency rules currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?: No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No...
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by new Section 56.2(e) of the Environmental Protection Act Ill. Rev. Stat. 1989 ch. 111½, par. 1056.2(e), as added by P.A. 87-752, effective January 1, 1992). The statewide policy objectives are set forth in new Section 56 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of potentially infectious medical waste. The proposed rules independently impose no substantive requirements. Rather, several other provisions of P.A. 87-752 are self-implementing, and some obtain operative effect in part through this rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #91-19 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board  
 State of Illinois Center, Suite 11-500  
 100 W. Randolph St.  
 Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: November 11, 1992.

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- B) Types of small businesses affected:

The proposed rules affect small businesses which generate, transport, treat, store or dispose of potentially infectious medical waste. The proposed rules independently impose no substantive requirements. Rather, several other provisions of P.A. 87-752 are self-implementing, and some obtain operative effect in part through this rulemaking.

- C) Reporting, bookkeeping or other procedures required for compliance:

The proposed rules affect small businesses which generate, transport, treat, store or dispose of potentially infectious medical waste. The proposed rules independently impose no substantive requirements. Rather, several other provisions of P.A. 87-752 are self-implementing, and some obtain operative effect in part through this rulemaking.

- D) Types of professional skills necessary for compliance:

The proposed rules affect small businesses which generate, transport, treat, store or dispose of potentially infectious medical waste. The proposed rules independently impose no substantive requirements. Rather, several other provisions of P.A. 87-752 are self-implementing, and some obtain operative effect in part through this rulemaking.

The full text of the proposed rules begins on the next page.



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE M: BIOLOGICAL MATERIALS  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1420

GENERAL PROVISIONS

Section  
1420.101 Scope and Applicability  
1420.102 Definitions

AUTHORITY: Implementing and authorized by Section 56.2(e) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1056.2(e), as added by P.A. 87-752, effective January 1, 1992).

SOURCE: Adopted in R91-19, at Ill. Reg. , effective

Note: Capitalization denotes statutory language.

- 1420.101 Scope and Applicability
- a) This Subtitle applies to all persons who generate, transport, treat, store, or dispose of potentially infectious medical waste. It sets forth standards for such activities occurring in whole or in part within the State of Illinois.
- b) This Part sets forth definitions that apply throughout this Subtitle except as specifically provided otherwise.
- BOARD NOTE: Section 56.2(d) requires the Board to repeal pre-existing rules for handling medical wastes by January 1, 1992. Section 56.2(e) requires the Board to adopt by January 1, 1992 a list of Class 4 etiologic agents, which lends operative meaning to "isolation waste," as that term is used in the statutory definition of potentially infectious medical waste at Section 3.81. Section 56.2(a) and (c) require the Board to adopt standards for the transportation, packaging, segregation, labelling, and marking of potentially infectious medical waste by January 1, 1993. Section 56.2(f) authorizes additional rules to promote the purposes of Title xv of the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111½, par. 1001 et seq., as amended by P.A. 87-752, effective January 1, 1992).

1420.102 Definitions

All definitions set forth in this Section shall have the following meanings throughout this Subtitle, unless specifically provided otherwise:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989 Ch. 111½, par. 1001 et seq., as amended by P.A. 87-752, effective January 1, 1992).

"Class 4 etiologic agent" means a pathogenic agent that is extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic agent includes the following viral agents:

- Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments)  
Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined)  
Herpesvirus simiae (Monkey B virus)  
Lassa virus  
Marburg virus  
Tick-borne encephalitis virus complex (including Absettarov, Hanzalova, HYPR, Kumlunge, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever, and Central European encephalitis viruses)  
Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments)  
Yellow fever virus (wild, when used for transmission or animal inoculation experiments)

BOARD NOTE: A Class 4 Agent helps define an "isolation waste" for the purposes of Section 3.81(a)(6) of the Act and this Subtitle. This listing derives from the CDC document, "Classification of Etiologic Agents on the Basis of Hazard," and is supplemented from the CDC/NIH document "Biosafety in Microbiological and Biomedical Laboratories."

"HIGHLY COMMUNICABLE DISEASE" MEANS THOSE DISEASES IDENTIFIED AS CLASS 4 ETIOLOGIC AGENTS. (Section 3.81(a)(6) of the Act)

"ISOLATION WASTE" MEANS DISCARDED WASTE MATERIALS CONTAMINATED WITH BLOOD, EXCRETIONS, EXUDATES, AND SECRETIONS FROM HUMANS THAT ARE ISOLATED TO PROTECT OTHERS FROM HIGHLY COMMUNICABLE DISEASES. (Section 3.81(a)(6) of the Act)

"POTENTIALLY INFECTIOUS MEDICAL WASTE" OR "PIMW" MEANS THE FOLLOWING TYPES OF WASTE GENERATED IN CONNECTION WITH THE DIAGNOSIS, TREATMENT (I.E., PROVISION OF MEDICAL SERVICES), OR



## POLLUTION CONTROL BOARD

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IMMUNIZATION OF HUMAN BEINGS OR ANIMALS; RESEARCH PERTAINING TO THE PROVISION OF MEDICAL SERVICES; OR THE PROVISION OR TESTING OF BIOLOGICALS:

CULTURES AND STOCKS;

HUMAN PATHOLOGICAL WASTES;

HUMAN BLOOD AND BLOOD PRODUCTS;

USED SHARPS;

ANIMAL WASTE;

ISOLATION WASTE; AND

UNUSED SHARPS.

POTENTIALLY INFECTIOUS MEDICAL WASTE DOES NOT INCLUDE THE FOLLOWING:

WASTE GENERATED AS GENERAL HOUSEHOLD WASTE;

WASTE (EXCEPT FOR SHARPS) FOR WHICH THE INFECTIOUS POTENTIAL HAS BEEN ELIMINATED BY TREATMENT; OR

SHARPS THAT MEET BOTH OF THE FOLLOWING CONDITIONS:

THE INFECTIOUS POTENTIAL HAS BEEN ELIMINATED FROM THE SHARPS BY TREATMENT; AND

THE SHARPS ARE RENDERED UNRECOGNIZABLE BY TREATMENT. (Section 3.81 of the Act)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

3) Section Numbers: Proposed Action:  
303.203 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1013 and 1027.

5) A Complete Description of the Subjects and Issues Involved: Contains proposed amendments to the water quality standard applicable to underground waters which are groundwaters. This change would make groundwaters subject to the new water quality standards specifically for groundwaters (35 Ill. Adm. Code 620). This change was originally proposed on November 2, 1991, (14 Ill. Reg. 17862) but was not adopted within one year, requiring a return to first notice.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The proposed amendment would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

This Board will accept written public comment on this proposal for a period of at least 45 days after the date of this publication. Comments should reference Docket R89-14(C) and be addressed to:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph Suite, Suite 11-500  
Chicago, IL 60601

## 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

November 7, 1991

B) Types of small businesses affected:

No small businesses are affected.

C) Reporting, bookkeeping or other procedures required for compliance:

No reporting, bookkeeping or other procedures are required.

D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Amendment begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

Section  
303.100  
303.101  
303.102

Scope and Applicability  
Multiple Designations  
Rulemaking Required

## SUBPART B: NONSPECIFIC WATER USED DESIGNATIONS

Section  
303.200  
303.201  
303.202  
303.203  
303.204

Scope and Applicability  
General Use Waters  
Public and Food Processing Water Supplies  
Underground Waters  
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

Section  
303.300  
303.301  
303.301  
303.311  
303.312  
303.321  
303.322  
303.323  
303.331  
303.341  
303.351  
303.352  
303.353  
303.361  
303.430  
303.431  
303.441  
303.442  
303.443

Scope and Applicability  
Organization  
Ohio River Temperature  
Waters Receiving Fluorspar Mine Drainage  
Wabash River Temperature  
Unnamed Tributary of the Vermillion River  
Sugar Creek and Its Unnamed Tributary  
Mississippi River North Temperature  
Mississippi River North Central Temperature  
Mississippi River South Central Temperature  
Unnamed Tributary of Wood River Creek  
Shoenberger Creek; Unnamed Tributary of Cahokia Canal  
Mississippi River South Temperature  
Unnamed Tributary to Dutch Creek  
Long Point Slough and Its Unnamed Tributary  
Secondary Contact Waters  
Waters Not Designated for Public Water Supply  
Lake Michigan



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART D: THERMAL DISCHARGES

Section 303.500 Scope and Applicability  
303.502 Lake Sangchris Thermal Discharges

Appendix A References to Previous Rules  
Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989<sup>7</sup>, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, P. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, P. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 303.203 Underground Waters

~~The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes. The underground waters of Illinois which are groundwater shall meet the standards set forth in 35 Ill. Adm. Code 620.~~

(Source: Amended in R89-14(C) at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Interior Design Profession Title Act

2) Code Citation: 68 Ill. Adm. Code 1255

3) Section Numbers:

1255.10	New Section
1255.20	New Section
1255.30	New Section
1255.40	New Section
1255.50	New Section
1255.60	New Section
1255.70	New Section
1255.80	New Section
1255.90	New Section

Proposed Action:

4) Statutory Authority: Implementing and authorized by Public Act 86-1404, effective July 1, 1991, as amended by Public Act 87-756, effective October 3, 1991.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides requirements and procedures for persons seeking registration in the State of Illinois as interior designers.

Section 1255.10 gives procedures for persons seeking registration without examination under grandfather provisions of the Act.

Other Sections provide rules on applying for registration, determining approved interior design education programs, defining full-time diversified professional experience, gaining registration by endorsement, renewing registration, notifying the Department of a desire to have registration placed on inactive status, applying for restoration of registration and granting variances.

6) Will these proposed rules replace emergency rules currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.



DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 18, 1991

- B) Types of small businesses affected: Businesses providing interior design services.

- C) Reporting, bookkeeping or other procedures required for compliance: Persons seeking registration with the State of Illinois as interior designers will need to file an application with the Department. Registration may be renewed every two years.

- D) Types of professional skills necessary for compliance:  
Interior design or architect skills are required for registration.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1255

INTERIOR DESIGN PROFESSION TITLE ACT

Section	
1255.10	Application for Registration Under Section 8(c) of the Act (Grandfather)
1255.20	Application for Registration
1255.30	Approved Programs of Interior Design
1255.40	Full-time Diversified Professional Experience
1255.50	Endorsement
1255.60	Renewal
1255.70	Inactive Status
1255.80	Restoration
1255.90	Granting Variances

**AUTHORITY:** Implementing the Interior Design Profession Title Act (P.A. 86-1404, effective July 1, 1991, as amended by P.A. 87-756, effective October 3, 1991) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat.) 1989, ch. 127, par. 60(7).

**SOURCE:** Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather)

- a) Any person seeking registration without examination under Section 8(c) of the Interior Design Profession Title Act (P.A. 86-1404, effective July 1, 1991) (the "Act") shall file an application with the Department of Professional Regulation (the "Department") on forms provided by the Department. The application shall be postmarked no later than midnight June 30, 1992, and shall include the following:

- 1) Verification, on forms provided by the Department, or documentation of at least 8 years of full-time, diversified professional experience in interior design as defined in Section 3(f) of the Act and Section 1255.40 of this Part; or
- 2) Verification, on forms provided by the Department, or documentation of a combination of full-time, diversified professional experience as defined in Section 3(f) of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 8 years.
- 3) A complete work history;



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- 4) The required fee set forth in Section 11(a) of the Act; and
- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
- A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the registration;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Education shall be from an accredited college, school or university offering a program in interior design and include the curriculum set forth in Section 1255.30.
- c) Experience shall be documented in one or more of the following ways:
- 1) Certification of experience, on forms provided by the Department;
  - 2) Submission of three affidavits from clients, peers or colleagues familiar with the applicant's work;
  - 3) Submission from a professional interior design organization that the applicant has an active professional status in the organization. The Department, upon recommendation of the Board of Interior Design Professionals (the "Board") has determined that 6 years of credit toward education and experience will be granted an applicant who holds professional status in one of the following organizations: American Society of Interior Designers (ASID); the Interior Design Society (IDS); the Institute of Business Designers (IBD); the International Society of Interior Designers (ISID); Institute of Store Planners (ISP); and the Governing Board for Contract Interior Design Standards.
  - d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking registration shall be requested to:
    - 1) Provide such information as may be necessary; and/or
    - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

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## Section 1255.20 Application for Registration

- a) An applicant for registration as an interior designer shall file an application, on forms provided by the Department, which includes the following:
- 1) Certification submitted to the Department from the National Council for Interior Design Qualifications (NCIDQ) indicating the successful completion of the NCIDQ examination;
  - 2) Proof of Education/Experience
    - A) Certification of graduation and official transcripts from a 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
    - B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
    - C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program and at least 3 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
    - D) Certification of graduation and official transcripts from an approved 2 year interior design program from an approved program and at least 4 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part.
  - 3) A complete work history; and
  - 4) The fee required by Section 11(a)(1) of the Act.
- b) An individual who holds an active license as an architect in Illinois pursuant to the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. ch. 111, part 3401 et seq.) shall be issued a certificate of registration as an interior designer without examination as provided in Section 8(d) of the Act upon payment of a fee of \$40.00.

## Section 1255.30 Approved Programs of Interior Design

- a) The Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:



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- c) The Department has determined that all interior design programs accredited or approved by FIDER as of July 1, 1991, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1255.40 Full-time Diversified Professional Experience

- a) Full-time diversified professional experience in interior design shall meet the minimum requirements as defined in Section 3(f) of the Act and shall be in any one or combination of the following interior design related fields;

- 1) Commercial Design
- 2) Institutional/Educational
- 3) Governmental
- 4) Hospitality/Restaurant
- 5) Facilities Management
- 6) Residential Design
- 7) Kitchen/Bath
- 8) Store Planning/Retail
- 9) Industrial/Manufacturing
- 10) Health Care

- b) All experience shall have been acquired after completion of a minimum of 2 years of a design or interior design related education program. This subsection does not apply to applicants applying pursuant to Section 1255.10 of this Part.

- c) "Full-time" experience is defined as a minimum of 1,800 hours during a 12 month period. No more than one year credit will be given in a 12 month period.

- d) "Part-time" experience is defined as a minimum of 900 hours during a 12 month period. No more than one half year credit will be given in a 12 month period.

- e) Approved professional experience consists of successful performance of work relating to interior design services as described in Section 3(f) of the Act verified by a supervising interior designer, architect or owner/manager in an interior design setting.

- f) One year of experience will be granted for 2 academic years of full-time teaching experience as defined by the institution in an approved interior design program. A maximum of one year of experience for teaching will be awarded. Any teaching experience claimed must be validated by an official of the school offering the design program.

- g) An applicant cannot earn more than 40 hours per week of approved experience (i.e. overtime does not qualify for additional approved experience).

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- 1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;

- 2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;

- 3) The faculty is comprised of a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled and a designated program director. The faculty must have demonstrated competence as evidenced by degrees in their area(s) of teaching from professional colleges or institutions;

- 4) The curriculum is at least 2 academic years that provides educational experience with practical application encompassing:

- A) Drafting
- B) Two-Dimensional Design
- C) Three-Dimensional Design
- D) Design and Composition Fundamentals
- E) Color Theory
- F) Fundamentals of Residential Design
- G) Fundamentals of Non-Residential Design
- H) Building Systems
- I) Materials
- J) Codes and Ordinances
- K) Presentation Skills
- L) Business Practices and Management
- M) History of Art, Architecture and Design

- 5) A 2 year program shall include 4 or more of the above courses set forth in subsection (4) above and be a minimum of 60 semester hours;

- 6) A 3 year program shall include 6 or more of the above courses set forth in subsection (4) above and be a minimum of 90 semester hours;

- 7) A 4 or 5 year program shall include 8 or more of the courses set forth in subsection (4) above and be a minimum of 120 semester hours.

- b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Foundation for Interior Design Education Research (FIDER).



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## Section 1255.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to register as an interior designer shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification of an interior design degree from a program approved by the Department in accordance with Section 1255.30 of this Part or prior to July 1, 1991, meeting education/experience requirements set forth in Section 1255.10 of this Part;

2) Certification of professional experience as set forth in Section 1255.40 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:

- A) The time during which the applicant was licensed/registered;
- B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received.

4) A complete work history; and

5) The required fee as set forth in Section 11(a)(3) of the Act.

b) In lieu of subsection (1) and (2), the Department shall accept certification from the National Council for Interior Design Qualification.

c) The Department may require additional information to determine:

- 1) if the requirements in the state, territory of the United States or foreign country at the time the applicant was licensed/registered were substantially equivalent to the requirements then in effect in Illinois; or
- 2) if the requirements of another state, territory of the United States or foreign country together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

d) The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the National Council of Interior Design Qualifications; education, training, and experience, including, but not limited to, whether the applicant has had special honors or awards, has had articles published in professional journals, has written textbooks relating to interior design, and any other attribute which the Director of the Department accepts as evidence that the applicant has outstanding and proven ability in interior design.

e) The Department shall either issue registration by endorsement or notify the applicant in writing of the reasons for denying the application.

## Section 1255.60 Renewal

a) The first renewal period for registration issued under the Act shall be August 31, 1993. Thereafter every registration issued under the Act shall expire on August 31 of odd-numbered years. The holder of a registration may renew such registration during the month preceding the expiration date by paying the required fee.

b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

## Section 1255.70 Inactive Status

a) Registered interior designers who notify the Department in writing on forms provided by the Department may elect to place their registration on inactive status and shall be excused from the payment of renewal fees until they notify the Department in writing of the desire to resume active status.

b) Any registered interior designer seeking restoration from inactive status shall do so in accordance with Section 1255.90 of this Part.

c) Any person whose registration is on inactive status shall not use the title "interior designer" in the State of Illinois.

## Section 1255.80 Restoration

a) Any interior designer whose registration has expired or has been placed on inactive status for 5 years or less may have the certificate of registration restored by paying the fees required by Section 11(5) of the Act.

b) Any person seeking restoration of a certificate of registration which has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 11(5) of the Act. The applicant shall also submit either:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 9 of the Act; or
- 3) Proof of passage of the NCIDQ examination during the period the registration was lapsed or on inactive status.

c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration of a registration shall be required to:

- 1) Provide such information as may be necessary; and/or
- 2) Explain such relevance or sufficiency during an oral interview; or
- 3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.
- d) Upon the recommendation of the Board, and approval by the Director, an applicant shall have his/her registration restored or be notified in writing of the reason for denying the application.

## Section 1255.90 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases where he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of Interior Design Professionals of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: SPECIAL ELIGIBILITY GROUPS
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Number: Proposed Action:  
118.200 Repealed
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals this section. The Department of Public Health has assumed responsibility for the AIDS Drug Program (15 Ill. Reg. 14389, October 11, 1991).
- 6) Will this Proposed Repealer replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
- 8) Does this Proposed Repealer contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel C. Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

The full text of the Proposed Repealer begins on the next page:

## PART 118

## SPECIAL ELIGIBILITY GROUPS

## SUBPART A: DISABLED ADULT CHILDREN

Section  
118.100

## Disabled Adult Children

SUBPART B: DRUGS FOR NON-MEDICAID PERSONS  
WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)  
OR AIDS RELATED COMPLEXES (ARC)  
OR HUMAN IMMUNODEFICIENCY VIRUSINFECTION (HIV)

Section  
118.200

Drugs to Prolong the Lives of Persons With Acquired  
Immunodeficiency Syndrome (AIDS) or AIDS Related  
Complexes (ARC) (Repealed)

## SUBPART C: WIDOWS AND WIDOWERS

Section  
118.300

## Widows and Widowers

## SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

Section  
118.400

## Incorporation By Reference

AUTHORITY: Implementing Articles III, IV and VI and authorized  
by Section 12-13 of the Illinois Public Aid Code (Ill. Rev.  
Stat. 1987-1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et  
seq. and 12-13).

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective  
January 15, 1988, for a maximum of 150 days; adopted at 12 Ill.  
Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg.  
8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950,  
effective March 10, 1989; amended at 14 Ill. Reg. 10442,  
effective June 20, 1990; (Source: Emergency amendment at 15  
Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150  
days); amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.



SUBPART B: MEDICAL PAYMENTS FOR DRUGS FOR PERSONS WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section 118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC) (Repealed)

Drugs provided under this Section are paid on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC). Funding under this Section is provided through a federal grant for Federal Fiscal Year 1988 (H.R. 1827). Payments under this Section shall be made from October 1, 1987, through September 30, 1988, or the date the federal grant is depleted, whichever occurs first.

- a) To qualify for payments under this Section, a person must:
- 1) make application with the Illinois Department of Public Aid (Department);
  - 2) if requesting payment for drugs to treat AIDS, be ineligible for medical assistance under the Department's medical assistance programs;
  - 3) not have 100% coverage for the drug by another third party payor; and
  - 4) have anticipated gross monthly income which does not exceed 200% of the Federal Poverty Level for the size of their household.

1988 Poverty Income Guidelines

Size of family unit	Poverty guideline
1	\$ 5,770
2	7,730
3	9,690
4	11,650
5	13,610
6	15,570
7	17,530
8	19,490

For family units with more than 8 members, add \$1,960 for each additional member.

Section 118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC) (Repealed) (Cont'd)

- b) Payment shall be made to a pharmacy for Zidovudine (AZT) (i.e., Zidovudine Capsule 100 MG) or any other drug which has been determined by the Food and Drug Administration to prolong the life of a person with AIDS or ARC.
- c) Payment shall be made at the lesser of the pharmacy's usual and customary charge or its actual acquisition cost plus the established professional fee not to exceed the Department's maximum reimbursement level. If a third party payor will pay for part, but not 100% of the coverage for the drug, the Department will pay for the difference, up to the Department's rate for the drug.
- d) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within thirty (30) days from the date the Department receives the application. An individual can appeal the Department's denial of his/her application. Such appeal shall be in accordance with 89 Ill. Adm. Code 102.70, 102.80, 102.82, 102.83 and 104:Subpart A.

(Source: Repealed at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 1302
- 3) Section Numbers  
1302.100  
Proposed Action  
Amendment
- 4) Statutory Authority: 111. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This amendment will eliminate the reference to specific penalties. The Illinois Horse Racing Act of 1975 (111. Rev. Stat. 1989, ch. 8, par. 37-9(d)) states (in part) that the Board or its delegates may take appropriate disciplinary action against those licensees who violate the rules and regulations of the Illinois Racing Board.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 6, 1991
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: N/A

The full text of the proposed amendment begins on the next page:



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER F: RULES AND REGULATIONS OF HARNES RACING

PART 1302  
LICENSING

Section  
1302.10 License to Participate (Repealed)  
1302.20 Application for License (Repealed)  
1302.30 License Fee (Repealed)  
1302.40 Applicant Assent and Agreement (Repealed)  
1302.50 License Revocable (Repealed)  
1302.60 Power To Deny License (Repealed)  
1302.70 Reasons for Denial or Revocation of License (Repealed)  
1302.80 Unfit for License (Repealed)  
1302.90 Possession of Credentials  
1302.100 Unauthorized Use of Credentials  
1302.110 Hearing on License Suspension  
1302.200 Absence of Trainers  
1302.220 Minimum Age (Repealed)  
1302.230 Licensed Concessionaire

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing. (original date not cited in publication); codified at 5 Ill. Reg. 10919; emergency amendment at 6 Ill. Reg. 9713, effective July 27, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 13789, effective October 25, 1982; amended at 11 Ill. Reg. 20207, effective December 31, 1987; amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1302.100 Unauthorized Use of Credentials

No participant shall permit any unauthorized person or persons to use his badge or credentials. ~~for entering into any party of the race track in any licensees who violate this rule is liable to suspension or a fine not to exceed \$200 or both and if the licensee violates the rule the may be ruled off of the race punished at the stewards may decide~~

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Number: 25.315  
Adopted Action:  
New Section

4) Statutory Authority: Ill. Rev. Stat. 1990 Supp., ch. 122, par. 21-7.1.

5) Effective Date of Amendments: November 13, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this Amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: October 25, 1991

9) Notice of Proposal Published in Illinois Register: July 12, 1991, 15 Ill. Reg. 10277

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version:

The second sentence of Section 25.315(d)(2) has been rephrased to state in part "...within 45 days after receipt of the notice of rejection."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this Amendment replace an emergency Amendment currently in effect? No

14) Are there any amendments pending on this Part? No



STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

This set of amendments consists of a new Section 25.315, which sets forth the requirements for continuing professional education imposed by P.A. 86-1045 as a condition for renewal of the administrative certificate. Fullfillment of the requirements by affected administrators will be tracked by means of plans to be submitted to the State Superintendent by all districts and cooperatives employing such individuals (see subsections (b), (c), and (d)). Subsection (e) provides for notification procedures in cases where affected administrators have not participated in approved professional education activities as required; subsection (f) indicates how an individual may remedy deficiencies in this regard so that the certificate can be renewed at the appropriate time.

16) Information and questions regarding this adopted Amendment shall be directed to:

Name: Susan K. Bentz  
Assistant Superintendent  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-3774

The full text of the Adopted Amendments begins on the next page:

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section  
25.20 State Elementary School Certificate  
25.30 State High School Certificate  
25.40 State Special Certificate  
25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired  
25.50 General Certificate  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects  
25.70 State Provisional Vocational Certificate  
25.80 Early Childhood Certificates  
25.90 Transitional Bilingual Certificate and Examination  
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate  
25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section  
25.110 System of Approval: Levels of Approval  
25.120 Standards and Criteria for Institutional Recognition and Program Approval  
25.130 Procedures for Initial Recognition as a Teacher Education Institution  
25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia  
25.150 The Periodic Review Process

System of Approval: Levels of Approval  
Standards and Criteria for Institutional Recognition and Program Approval  
Procedures for Initial Recognition as a Teacher Education Institution  
Procedures for Approval of New or Modified Teacher Education Programs and Consortia  
The Periodic Review Process



## STATE BOARD OF EDUCATION

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## SUBPART D: SCHOOL SERVICE PERSONNEL

Section	
25.210	Requirements for the Certification of School Social Workers
25.220	Requirements for the Certification of Guidance Personnel
25.230	Requirements for the Certification of School Psychologists
25.240	Standard for School Nurse Endorsement

## SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	
25.310	Definitions (Repealed)
25.310	Administrative Certificate
25.311	Renewal of Administrative Certificate
25.315	Application for Approval of Program (Repealed)
25.320	General Supervisory Endorsement
25.322	Standards and Guide for Approved Programs (Repealed)
25.330	General Administrative Endorsement
25.333	Chief School Business Official Endorsement
25.344	Superintendent
25.355	

## SUBPART F: GENERAL PROVISIONS

Section	
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate--Waiver of Evaluations
25.440	Master of Arts NCATE
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions

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25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

## SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Teacher Aides
25.520	Other Noncertified Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose - Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.730	Registration
25.732	Late Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Rescoring
25.775	Institution Test Score Reports
25.780	Fees

## 25. Appendix A Statistical Test Equating - Certification Testing System



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## NOTICE OF ADOPTED AMENDMENTS

**AUTHORITY:** Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 122, pars. 21-1 et seq., 14C-8, and 2-3.6).

**SOURCE:** Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, p. 336, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 11 Ill. Reg. 12670, 15044, effective August 28, 1986; amended at 12 Ill. Reg. 3709, effective February 15, 1987; amended at 12 Ill. Reg. 16022, effective February 1, 1988; amended at 14 Ill. Reg. 1243, effective September 23, 1988; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991

**NOTE:** Capitalization denotes statutory language.

**SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS**

**Section 25.315 Renewal of Administrative Certificate**

a) The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code (Ill. Rev. Stat. 1990 Supp., ch. 122, par. 21-7.1).

b) Submission of Plans for the Continuing Professional Education of Administrators

1) Each school district, and each cooperative program operated between or among school districts or by Regional Superintendents of Schools (pursuant to Section(s) 3-15.14, 10-22.31, and/or 10-22.31a of the School Code), which employs persons in positions requiring an administrative certificate, shall submit to the State Board of Education a plan for the continuing professional education of the administrators employed therein (a "plan"). In the case of cooperative programs, the Plan shall be submitted by the administrative agent of the cooperative entity.

2) Each Regional Superintendent of Schools may submit to the State Board of Education a Plan for the

## STATE BOARD OF EDUCATION

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Regional Superintendent and any Assistant Regional Superintendent(s) in the region.

3) All Plans shall be submitted to the State Board of Education no later than December 1, 1991.

4) Whenever any substantive change is to be made to a Plan which has been approved by the State Superintendent of Education, the revised Plan shall be submitted to the Board for review and approval.

c) Content of Plans

1) Each Plan shall include a description of how the affected administrators were involved in its development.

2) Each Plan shall contain a description of the affected administrators' goals and objectives related to their continuing professional development. These goals and objectives shall include, but need not be limited to:

- A) IMPROVING ADMINISTRATORS' KNOWLEDGE OF INSTRUCTIONAL PRACTICES AND ADMINISTRATIVE PROCEDURES;
- B) MAINTAINING THE BASIC LEVEL OF COMPETENCE REQUIRED FOR INITIAL CERTIFICATION; AND
- C) IMPROVING SKILLS AND KNOWLEDGE REGARDING THE IMPROVEMENT OF TEACHING PERFORMANCE IN CLINICAL SETTINGS AND ASSESSMENT OF LEVELS OF STUDENT PERFORMANCE.

3) Each Plan shall contain a description of professional education activities, which shall be approved by the school district or cooperative, for addressing the goals and objectives set forth. These approved activities may be applicable to individuals or may be extended to groups of administrators and may include:

- A) Attendance at Illinois Administrators' Academy seminars;
- B) Attendance at college/university courses and seminars;



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- C) Participation in state and national conferences of professional organizations;
- D) Reading of literature assigned or designated by the district or cooperative;
- E) Conducting research;
- F) Viewing and/or listening to media materials assigned or designated by the district or cooperative;
- G) Working with consultants on projects sponsored by the district or cooperative; and
- H) Developing, revising, and updating educational programs related to new professional duties and responsibilities.

4) Each Plan submitted by a school district shall be approved by the local school board. Each Plan submitted by a cooperative shall be approved by its governing board or board of control. Each Plan submitted by a Regional Superintendent shall be signed by such Regional Superintendent.

5) Each Plan shall provide for annual participation by each affected administrator in at least one approved activity which contributes to continuing professional education as outlined in subsection (3), and for at least biennial attendance in a program developed by the Illinois Administrators' Academy.

6) Each Plan shall require that documentation of each administrator's annual participation in approved activities be placed in his or her personnel file and that he or she be provided with a copy of such documentation.

## d) Review and Approval of Plans

- 1) The State Superintendent of Education shall review all Plans submitted pursuant to subsection (b) and shall approve each Plan which conforms to the requirements set forth in subsection (c).

2) The State Superintendent of Education shall reject each Plan which does not conform to the requirements set forth in subsection (c). Upon rejection of its Plan, the school district or cooperative shall revise the Plan to provide for compliance with this Section and shall submit such revised Plan to the State Superintendent within 45 days after receipt of the notice of rejection.

## e) Notification Procedures

1) Each school district or cooperative shall notify each affected administrator employed by such entity of the requirements for continuing professional education at the beginning of each school year. Such notification shall include reference to the fact that renewal of the administrative certificate is conditioned on satisfaction of these requirements.

2) Each school district or cooperative shall submit to the State Superintendent of Education by June 30 of each year a statement of assurance that each affected administrator has participated in the activities set forth in the approved Plan for the entity or, should this not be the case, shall identify those administrators who have not done so.

3) The State Superintendent of Education shall identify to each Regional Superintendent of Schools those affected administrators in the respective Educational Service Region who have not participated as required.

4) The State Superintendent of Education shall notify each individual certificate holder who has not participated in the required professional education activity that he or she is deficient in meeting the requirements for the next renewal of his or her administrative certificate and of the procedures to follow in removing such deficiency in accordance with subsection (f).

5) Each Regional Superintendent of Schools shall register the administrative certificates of those administrators in the Region who have not participated in an approved Plan as required, and shall note the deficiencies, which must be removed



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by June 30 of the next calendar year in order for the holder to be eligible for renewal. However, no certificate may be renewed if the requirements of this Section have not been met.

## f) Removal of Deficiencies

- 1) Work done to remove deficiencies for one particular year shall not be used to satisfy requirements for any other year.
- 2) Individuals may remove deficiencies only by:
  - A) earning 3 semester hours of credit from a recognized institution of higher learning in courses related to the certificate holder's contractual administrative duties; or
  - B) satisfactorily completing an Administrators' Academy training session.
- 3) An individual who has removed a deficiency shall present evidence thereof to the school district or cooperative. Such evidence shall consist of either an official university transcript indicating that three semester hours of credit have been earned or a certificate of participation in an Administrators' Academy training session.
- 4) On June 30 of each year, each school district or cooperative shall notify the State Superintendent of Education of all administrators who have removed deficiencies during that year and of those who have not done so. The State Superintendent shall notify those administrators who failed to remove deficiencies and their respective Regional Superintendents that their certificates may not be renewed.
- 5) Any administrative decision regarding non-renewal of an individual's administrative certificate may be appealed in accordance with the provisions of 23 Ill. Adm. Code 480 (Hearings Before the State Teacher Certification Board).
- g) Other Administrative Certificate Holders
  - 1) Persons who hold administrative certificates but are not employed in positions requiring such

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certification shall be required to comply with the requirements of Section 21-7.1 of the School Code starting with the first year in which they accept such employment.

- 2) Administrative certificates of such persons, if registered annually with a Regional Superintendent of Schools, shall continue to be valid for future employment in positions requiring the administrative certificate.

(Source: Added at 15 Ill. Reg. 17048, effective November 13, 1991.)



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- 1) The Heading of the Part: Fellowship, Traineeship and Scholarship Programs.
- 2) Code Citation: 23 Ill. Adm. Code 54
- 3) Section Number:  
54.310 Adopted Action:  
54.320 Amendment  
54.330 Amendment  
54.340 Amendment  
54.350 Amendment  
54.410 Amendment  
54.420 Amendment  
54.430 Amendment  
54.440 Amendment  
54.450 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1990 Supp., ch. 122, par. 30-4b and 30-4c.
- 5) Effective Date of Amendment: November 13, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference?  
The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: October 25, 1991
- 9) Notice of Proposal Published in Illinois Register: June 28, 1991, 15 Ill. Reg. 9237
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

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- 11) Difference(s) between proposal and final version:  
Section 54.310(c) has been rephrased to state in part "...within two years after completion of preparation..."
- 12) Section 54.330(b) has been rephrased to state in part "...within 35 days after receipt of the application..."
- 13) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 14) Will this Amendment replace an emergency Amendment currently in effect? No
- 15) Are there any amendments pending on this Part? No
- 16) Summary and Purpose of Amendments:  
The most substantive changes made with respect to the Mathematics or Science Teacher Scholarship Program are those which appear in Section 54.310(c) and Section 54.350. The time period within which scholarship recipients must accept employment is changed from one year to two years of completing preparation, and the geographic area within which the requirement applies is changed to account for the new language in Section 30-4b(5) of the School Code (within sixty miles of the recipient's place of residence rather than within the educational service region).
- The other amendments which appear throughout Subpart C have been made so that this set of rules will match Subpart D more closely. The two programs in question were established at different times, leading to unintentional inconsistencies in their provisions. Sections 54.330 and 54.340 especially contain examples of language added to make Subpart C more explicit.



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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER b: PERSONNEL

With respect to the Teacher Shortage Scholarship Program, Section 54.410(b) now includes as eligible applicants those persons with bachelor's degrees and ten or more years of experience in fields other than teaching. Section 54.410(c) as amended will give scholarship recipients two years to accept employment as required, and the added cross-reference to Section 30-4c(5) of the School Code incorporates the differing geographic areas applicable to the three categories of recipients. Section 54.450 delineates the differing bases for waiver and deferral of repayment which apply to various recipients under the law as amended. Finally, the amendments contain updated statutory citations and minor technical corrections.

16) Information and questions regarding this adopted Amendment shall be directed to:

Name: Susan K. Bentz  
Address: Assistant Superintendent  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-3774

The full text of the Adopted Amendments begins on the next page:

PART 54  
FELLOWSHIP, TRAINEESHIP AND SCHOLARSHIP PROGRAMS

SUBPART A: FELLOWSHIP PROGRAM

Section	
54.10	Fellowship and Traineeship Program (Repealed)
54.20	Scholarship Program (Repealed)
54.100	Purpose of Fellowship Program
54.110	Applicant Qualifications
54.120	Application Process
54.130	Awards
54.140	Terms of the Grant

SUBPART B: TRAINEESHIP PROGRAM

Section	
54.200	Purpose of Traineeship Program
54.210	Applicant Qualifications
54.220	Application Process
54.230	Awards
54.240	Terms of the Grant

SUBPART C: MATHEMATICS OR SCIENCE TEACHER SCHOLARSHIP PROGRAM

Section	
54.300	Purpose of Mathematics or Science Teacher Scholarship Program
54.310	Applicant Qualifications
54.320	Application Process
54.330	Awards
54.340	Terms of the Scholarship
54.350	Waiver and Deferral of Repayment

SUBPART D: TEACHER SHORTAGE SCHOLARSHIP PROGRAM

Section	
54.400	Purpose of the Teacher Shortage Scholarship Program
54.410	Applicant Qualifications
54.420	Application Process
54.430	Awards
54.440	Terms of the Scholarship



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54.450 Waiver and Deferral of Repayment

SUBPART E: EQUAL OPPORTUNITY SCHOLARSHIP PROGRAM

- Section  
54.500 Purpose of the Equal Opportunity Scholarship Program  
54.510 Applicant Qualifications  
54.520 Application Process  
54.530 Terms of the Scholarship  
54.540 Awards

AUTHORITY: Implementing and authorized by Sections 14A-8, 30-4b, 30-4c, and 30-4d of the School Code (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 122, pars. 14A-8, 30-4b, 30-4c, and 30-4d).

SOURCE: Emergency rule adopted at 7 Ill. Reg. 15666, effective November 4, 1983 for a maximum of 150 days; Adopted and codified at 8 Ill. Reg. 6682, effective May 2, 1984; amended at 9 Ill. Reg. 8601, effective May 28, 1985; amended at 11 Ill. Reg. 3054, effective February 2, 1987; amended at 15 Ill. Reg. 17059, effective November 13, 1991

NOTE: Capitalization denotes statutory language.

SUBPART C: MATHEMATICS OR SCIENCE TEACHER SCHOLARSHIP PROGRAM

Section 54.310 Applicant Qualifications

An applicant is eligible for consideration for a scholarship who meets the following qualifications:

- a) Is a resident of Illinois;
- b) Holds a valid teaching certificate issued pursuant to the School Code (Ill. Rev. Stat. 1989 1989, ch. 122, par. 21-1 et seq.) and is not presently certificated to teach both mathematics and science in the secondary schools; and
- c) Agrees in writing to accept employment in a secondary school in Illinois following the completion of the program of study two years after completion of preparation and to teach science or mathematics in a secondary school in Illinois, as provided by Section 30-4b(5) of the School Code.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991

Section 54.320 Application Process

Applications must be completed on forms provided by the State Board of Education. Completed applications must include:

- a) name, and address, and Social Security number of applicant;
- b) a letter of employment history from the employing school district or nonpublic school authority; or, if not employed currently, from the last school district of employment (required for initial applications only);
- c) a certified transcript from each college or university attended (renewal applicants need only submit transcripts reflecting coursework taken since the submission of the most recent previous application);
- d) a statement from the qualified institution the applicant plans to attend that the applicant is eligible to enroll as a student in mathematics or science courses and will upon completion of the course of study be eligible to teach mathematics or science in secondary schools that the coursework chosen will count toward certification in science or mathematics as specified in 23 Ill. Adm. Code 1.730 (Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above). Such coursework may include the academic areas of science and mathematics as well as professional education courses necessary to qualify for a high school certificate if the applicant does not possess a high school certificate.
- e) a statement of the specific term (i.e., semester or quarter) the scholarship is to be utilized.
- f) the signature of the applicant attesting to the applicant's agreement to accept employment in a secondary school in Illinois to teach science or mathematics within one year following the completion of the program of study as provided by Section 30-4b(5) of the School Code.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991



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## Section 54.330 Awards

a) Awards shall be made as set forth in this Section to persons complying with Sections 54.310 and 54.320. Scholarships shall first be awarded, in order of seniority, to applicants who have previously received scholarships. Remaining scholarships shall be awarded on the basis of seniority as follows. The senior applicant from each district and the senior unemployed applicant shall be awarded scholarships until each district having an applicant, and an unemployed applicant, have received a scholarship. Thereupon the next senior person in each district having an applicant and the next senior unemployed applicant shall be awarded scholarships until each district having an applicant, and an unemployed applicant, have received a scholarship. This process shall continue until all scholarships have been awarded or until there are no remaining applicants.

b) Notification of grant awards shall be sent in writing to the grant recipients and their enrolling institutions within 35 days after receipt of the application by the State Board of Education.

c) Reimbursement for the scholarship will be made directly to the institution, for tuition only, upon receipt by the State Board of Education of a claim listing the individual, Social Security number, term of the claim and amount of the claim. Reimbursement of the scholarship award shall be made only after deducting the total of any other scholarship for tuition which the applicant has received for the same academic term, which information the enrolling institution shall provide in submitting its claim.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)

## Section 54.340 Terms of the Scholarship

- a) Scholarships shall only be awarded to provide the cost of tuition.
- b) Scholarship recipients continue to be eligible for scholarship awards subject only to successfully passing each course until the program of preparation is completed, except that no applicant may receive a scholarship for more than nine (9) semester hours of coursework in an Illinois public community college. Failure to submit an official transcript or grade

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report showing successful completion of courses taken under a previous grant shall be sufficient cause to deny an additional scholarship award.

c) Scholarship awards will be given for full-time or part-time study, shall be valid for one semester, and shall be renewable.

d) Within one-year two years of completion of a program of study qualifying the scholarship recipient to teach mathematics or science in secondary schools, the scholarship recipient shall submit written notification to the State Board of Education stating whether the recipient has accepted employment to teach mathematics or science in an Illinois secondary school. Any recipient who fails to submit this notice shall refund all scholarship monies received. The State Board of Education shall assist recipients in finding employment in areas of identified staff shortages.

e) A recipient who fails to complete a course of training under this scholarship will be responsible for repayment of all the monies received under the scholarship awards.

f) A recipient who drops a course or courses approved for a scholarship award, where an award has been paid to an institution, shall be required to reimburse the state the balance of any scholarship funds not refunded the State Board of Education by the institution.

g) Interruption of the program - individuals who find it necessary to interrupt their preparation must submit written notice to the State Board of Education each term that they are not enrolled in courses.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)

## Section 54.350 Waiver and Deferral of Repayment

- a) Any scholarship recipient who within one-year two years of completion of the program of study has not accepted employment with an Illinois secondary school to teach mathematics or science shall refund all scholarship monies received to the State Board of Education, except that such refunding shall be waived under the following circumstances:



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- 1) Due to financial conditions, no positions to teach mathematics or science in the districts of the recipient's educational service region a secondary school in Illinois within 60 miles of the teacher's residence were available within the one year two-year period following the recipient's completion of the program.

- 2) The recipient applied for each opening for a mathematics or science position in such schools his/her educational service region within one-year two years of completion of the program but did not obtain any of these positions.

- b) A scholarship recipient may apply for a deferral of repayment of scholarship monies by submitting a written request for deferral to the State Board of Education. The request shall be accompanied by recipient's latest federal income tax return and a sworn statement of recipient's assets and liabilities. Such deferral shall be granted if the request and supporting documentation show that deferral is necessary to prevent financial hardship to the recipient. For this purpose, financial hardship shall mean the inability to meet vital financial obligations that cannot be deferred, including food bills, rent or mortgage payments, utility bills, medical bills not covered by insurance, and other debts incurred for essential living expenses. Deferrals shall not exceed two years.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)

## SUBPART D: TEACHER SHORTAGE SCHOLARSHIP PROGRAM

## Section 54.410 Applicant Qualifications

An applicant who meets the following qualifications is eligible for consideration for a scholarship:

- a) is Is a resident of Illinois (i.e., maintains a permanent home in Illinois) and either:
  - 1) is presently certified Holds a valid teaching certificate issued pursuant to the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 21-1 et seq.) and agrees in writing to train in an area of shortage, or

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- 2) is preparing for a teaching career and agrees in writing to prepare in an area of shortage, or
- 3) holds a bachelor's degree from any accredited college or university and has been employed for at least ten years in a field other than teaching and agrees in writing to prepare in an area of shortage; and

- b) e) agrees Agrees in writing to accept employment within one-year two years of completing preparation in an area of shortage and to teach for a period of three years in an area of identified shortage in an Illinois school, as provided by Section 30-4c(5) of the School Code.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)

## Section 54.420 Application Process

Applications must be completed on forms provided by the State Board of Education and must be submitted by the applicable date specified on the form. Completed applications must include the following information.

- a) Name, address, and Social Security Number number of applicant.
- b) A certified transcript showing any postsecondary work completed from each college or university attended (renewal applicants need only submit transcripts reflecting coursework taken since the submission of the most recent previous application).
- c) The area of teaching shortage for which the applicant wishes to prepare.
- d) The term for which the scholarship application is being submitted. A statement of the specific term (i.e., semester or quarter) the scholarship is to be utilized.
- e) The courses in which the applicant is enrolled.
- f) For applicants wishing to establish eligibility by virtue of ten years' employment in a field other than teaching, a statement of employment history which includes the names of supervisors or personnel officers at places of employment who can be reached for verification of such employment.



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- g) A statement by the institution's financial assistance officer of the total amount of tuition and nonrevenue bond fees charged by the institution for the courses listed by the applicant.
- h) The signature of the institution's certification officer if the institution is operating a teacher education program approved pursuant to 23 Ill. Adm. Code 25, stating that the courses listed are acceptable for certification in the indicated area of shortage.
- i) The signature of the applicant attesting to the applicant's agreement to accept employment for three years in an Illinois school in the area of shortage indicated, with such employment beginning within one year two years following completion of preparation, as provided by Section 30-4c(5) of the School Code.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991

## Section 54.430 Awards

- a) Awards will first be granted on a continuing basis to those persons who were previous recipients and who have passed the courses approved under the previous award.
- b) Awards shall next be made on the basis of the order of receipt of the application in the Springfield office of the State Board of Education; provided that insofar as the annual applications for initial awards permit, seventy-five percent (75%) of the awards will be allocated to applicants initially preparing to teach, including those holding bachelor's degrees from accredited colleges and universities who have been employed for at least ten years in a field other than teaching, and twenty-five percent (25%) shall be allocated to applicants holding valid teaching certificates issued under Articles 21 and 34 of the School Code.
- c) Notification of grant awards shall be sent in writing to the grant recipients and their enrolling institutions within 35 days of the applicable submission date for application specified on the application form.
- d) Reimbursement for the scholarship will be made directly to the institution for all tuition and fees except revenue bond fees upon receipt by the State Board of

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Education of a claim listing the individual, ~~social security~~ Social Security number, term of the claim and the amount of claim listed by fees and tuition costs. Reimbursement of the scholarship award shall be made only after deducting the total of any other scholarship for tuition and fees which the applicant has received for the same academic term, which information the enrolling institution shall provide in submitting its claim.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991

## Section 54.440 Terms of the Scholarship

- a) Scholarships shall provide the costs of tuition and all nonrevenue bond fees for courses which will enable the applicant to be certified to teach in the area of the identified teacher shortage.
- b) Scholarship recipients continue to be eligible for scholarship awards subject only to successfully passing each course until the program of preparation is completed. Failure to submit an official transcript or grade report showing successful completion of courses taken under a previous grant shall be sufficient cause to deny an additional scholarship award.
- c) Scholarship awards shall be given for full-time or part-time study, shall be valid for one semester, and shall be renewable.
- d) Within one-year two years of completion of a program of study qualifying the scholarship recipient to teach in an identified area of teacher shortage, the scholarship recipient shall submit written notification to the State Board of Education stating whether the recipient has accepted employment to teach in an area of teacher shortage in Illinois. Any recipient who fails to submit this notice shall refund all scholarship monies granted. The State Board of Education shall assist recipients in finding employment in areas of identified staff shortages.
- e) A recipient who fails to complete a course of training under this scholarship will be responsible for repayment of all the monies received under the scholarship awards.



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- f) A recipient who drops a course or courses approved for a scholarship award, where an award has been paid to an institution, shall be required to reimburse the state the balance of any scholarship funds not refunded the State Board of Education by the institution.
- g) Interruption of the program - individuals who find it necessary to interrupt their preparation must submit written notice to the State Board of Education each term that they are not enrolled in courses.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)

## Section 54.450 Waiver and Deferral of Repayment

- a) Any scholarship recipient who within one-year two years of completion of the program of study has not accepted employment with an Illinois school to teach in an area of teacher shortage shall refund all scholarship monies received to the State Board of Education, except that:

1) Such such refunding shall be waived for recipients who previously held a teaching certificate or for recipients with a bachelor's degree and a minimum of ten years in a field other than teaching under at least one of the following circumstances:

- A) Due to financial conditions, in the districts of the recipient's educational service region, no positions to teach (in an area of teacher shortage for which the recipient is qualified) in a school in Illinois within 60 miles of the recipient's residence were available within the one-year two-year period following the recipient's completion of the program; or

- B) The recipient applied for each opening in an area of teacher shortage for which the teacher was qualified in his/her educational service region such schools within one-year two years of completion of the program but did not obtain any of these positions.

- 2) Such refunding shall be waived for recipients preparing for a teaching career other than those referred to in subsection (1) if the recipient demonstrates that:

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- A) Due to financial conditions within districts, no such positions were available during the two-year time period; or

- B) The recipient applied for all vacancies in Illinois schools for which he or she was qualified but failed to secure any such position.

- b) A scholarship recipient may apply for a deferral of repayment of scholarship monies by submitting a written request for deferral to the State Board of Education. The request shall be accompanied by a sworn statement of recipient's assets and liabilities. A deferral request shall be granted if the request and supporting documentation shows that deferral is necessary to prevent financial hardship to the recipient. For this purpose, financial hardship shall mean the inability to meet vital financial obligations that cannot be deferred, including food bills, rent or mortgage payments, utility bills, medical bills not covered by insurance, and other debts incurred for essential living expenses. Deferrals shall not exceed two years.

- c) A teacher who is employed in an area of shortage and whose position is terminated within three years shall repay the scholarship monies awarded. Deferral of such repayment shall be granted when the discharged teacher presents evidence of seeking employment in the area of shortage for which the teacher was prepared. Deferrals shall not exceed two years. If the teacher obtains new employment in the area of shortage, repayment shall be waived.

(Source: Amended at 15 Ill. Reg. 17059, effective November 13, 1991)



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- 1) The Heading of the Part: Scientific Literacy
- 2) Code Citation: 23 Ill. Adm. Code 220
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
220.10	New Section
220.20	New Section
220.30	New Section
220.40	New Section
220.50	New Section
220.60	New Section
220.70	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1990 Supp., ch. 122, par. 2-3.94.
- 5) Effective Date of Rules: November 13, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference?  
The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: October 25, 1991.
- 9) Notice of Proposal Published in Illinois Register: July 12, 1991, 15 Ill. Reg. 10288
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:  
Section 220.30(a) has been rephrased to state in part "... specifying the information that must be included ..." (first sentence) and "... multi-year projects that meet the criteria established ..." (second sentence).  
Section 220.30(b)(2) has been rephrased to state "A program narrative (not to exceed 20 pages) that contains all of the following:".

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- A cross-reference has been added to Section 220.30(b)(2)(E) to state "State Goals for Learning in science and/or mathematics (23 Ill. Adm. Code 210.App. A)."
- Language has been added to Section 220.30(d)(2)(L) to state "as provided in Section 3 of the Educational Loan Default Act (Ill. Rev. Stat. 1989, ch. 127, par. 3553)."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:  
These rules describe the application procedure and approval criteria for two types of grant proposals under the Scientific Literacy program. The rules define scientific literacy; identify eligible applicants for staff development programs and pilot programs, respectively; describe the application procedure and required proposal content; and set forth the criteria by which grant proposals will be evaluated. The rules provide for both initial and renewal applications and contain additional information pertaining to the terms under which Scientific Literacy programs will be funded.

- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Lynne Haeffele  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5341

The full text of the Adopted Rules begins on the next page:



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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER e: INSTRUCTION

## PART 220

## SCIENTIFIC LITERACY

## Section

- 220.10 Purpose
- 220.20 Eligible Applicants
- 220.30 Application Procedure and Content
- 220.40 Proposal Review Criteria - Initial Applications
- 220.50 Proposal Review Criteria - Renewal Applications
- 220.60 Approval of Proposals
- 220.70 Terms of the Grant

AUTHORITY: Implementing and authorized by Section 2-3.94 of the School Code (Ill. Rev. Stat. 1990 Supp., ch. 122, par. 2-3.94).

SOURCE: Adopted at 15 Ill. Reg. 17073, effective November 13, 1991

## Section 220.10 Purpose

These rules establish the procedure and criteria for approval of applications submitted by eligible applicants to the State Board of Education for grants to assist in establishing scientific literacy programs as authorized in Section 2-3.94 of the School Code (Ill. Rev. Stat. 1990 Supp., ch. 122, par. 2-3.94). "Scientific Literacy" shall be understood to include:

- a) The capacity to formulate questions; to seek, comprehend and use available information; and to gather and interpret data and draw logical inferences in relation to an area of investigation.
- b) The ability to comprehend and communicate the language, concepts, theories and practices of science, mathematics and technology in ways that promote mutual understanding, cooperative problem-solving, and shared vision.
- c) The awareness that science, mathematics, and technology are ongoing processes and growing disciplines, constantly evolving and being refined through inquiry and open-ended investigation.

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- d) The awareness that science, mathematics, and technology are interdependent; that the tools and methods of each are interrelated and mutually supportive.

- e) The understanding that science, mathematics, and technology have strengths and limitations, in both theory and application, particularly as they relate to societal and ethical issues.

## Section 220.20 Eligible Applicants

- a) Proposals for staff development grants under Section 2-3.94 of the School Code may be submitted only by Illinois educational service centers, Illinois colleges and universities, the Illinois Mathematics and Science Academy, and not-for-profit organizations devoted to scientific literacy.
- b) Proposals for pilot program grants under Section 2-3.94 of the School Code may be submitted only by Illinois school districts and not-for-profit organizations devoted to scientific literacy.
- c) Any combination of eligible entities may submit a joint proposal. A single entity must be designated as the administrative agent, and the chief executive officer of each participating entity must sign the proposal.

## Section 220.30 Application Procedure and Content

- a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that must be included and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP, which shall provide at least forty-five (45) calendar days in which to submit proposals. The State Superintendent of Education will approve one-year projects, as well as multi-year projects that meet the criteria established for continuation. Funding for subsequent years will be contingent on the level of funding appropriated for the program and on the grantee's progress toward meeting its objectives (see Section 220.50).

- b) Each initial proposal for a staff development project must provide the following:



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- 1) A completed form "Scientific Literacy Proposal Title Page" and an abstract of the proposal (not more than 250 words).
- 2) A program narrative (not to exceed 20 pages) that contains all of the following:
  - A) A description of the needs to be addressed by the program and how they were identified.
  - B) A description of the training plan, including objectives and activities that address the identified needs, the population to be served, timelines, and personnel responsible for completing the activities. Joint applications must identify the responsibilities of each participating entity.
  - i) Training activities shall be provided to staff of public elementary and secondary schools and, to the extent that space is available, to other elementary and secondary teachers.
  - ii) Proposals may include stipends, payment of substitutes, and travel reimbursement for public school personnel.
  - iii) Nonpublic school personnel may not receive monetary reimbursement, equipment, or services delivered on the premises of nonpublic schools.
- C) Evidence from current literature that the proposed strategy has merit for addressing the needs.
- D) A description of how the program will incorporate the elements of scientific literacy as set forth in the Request for Proposals.
- E) A description of how the program will help teachers address the State Goals for Learning in science and/or mathematics (23 Ill. Adm. Code 210.App. A).

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- F) A description of an evaluation component capable of identifying:
  - i) changes in teachers' knowledge of science and/or mathematics, or teachers' ability to teach science and/or mathematics effectively;
  - ii) changes in participating school districts, including attitudinal changes in teachers and administrators, attributable to the program; and
  - iii) parental and community change attributable to the program.
- G) Answers to the following questions, clearly numbered to correspond to the questions:
  - i) How will the program provide teachers with manageable methods to fully implement new knowledge and skills in their classrooms?
  - ii) How will program services be coordinated with those of the regional educational service center?
  - iii) How will scientific literacy funds be coordinated with other funding for science and mathematics?
  - iv) How will media be used to publicize the program to the educational community and the public at large?
- c) Each initial proposal for a pilot program must provide the following:
  - 1) A completed form "Scientific Literacy Proposal Title Page" and an abstract of the proposal (not more than 250 words).
  - 2) A program narrative (not to exceed 20 pages) which contains all of the following:
    - A) A description of the needs to be addressed by the program and how they were identified.



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- B) A description of the predicted benefit of the program to participating students from one or more school districts and their teachers. All pilot programs must include direct student participation.
- C) A comprehensive description of the program's content, including objectives and activities that address the identified needs, the population to be served, timelines, and personnel responsible for completing the activities. Joint applications must identify the responsibilities of each participating entity.
- D) Evidence from current literature that the program has merit in addressing the identified needs.
- E) A description of how the program will incorporate the elements of scientific literacy listed in the Request for Proposals.
- F) A description of how the program will address the State Goals for Learning in science and/or mathematics.
- G) A description of data to be collected and analyzed to evaluate program effectiveness. Evaluation components must be capable of identifying:
- i) change in student achievement and attitude attributable to the program; and
  - ii) school, parental and/or community change attributable to the program.
- H) Answers to the following questions, clearly numbered to correspond to the questions:
- i) How can the program be replicated in other areas of the state?
  - ii) What is unique or innovative about the program?

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- iii) What elements of the program can be incorporated into ongoing, locally supported scientific literacy efforts?
  - iv) How will scientific literacy funds be coordinated with other funding for science and mathematics?
  - v) How will media be used to publicize the program to the educational community and the public at large?
- d) All initial proposals must also include the following:
- 1) Budget and Fiscal Information  
The budget summary and payment schedule must be completed on the form provided. A narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure, must also be provided.
  - 2) Certification and Assurances  
The applicant shall submit the certification and assurances form attesting to the following:
    - A) The applicant has the necessary legal authority to apply for and to receive the proposed grant. The filing of the application has been authorized by the governing body of the applicant, and the applicant's representative has been duly authorized to file the application, and to otherwise act as the authorized representative of the applicant in connection with the application and any award in relation thereto.
    - B) The activities and services for which assistance is sought under the program will be administered by or under the supervision of the applicant in accordance with the laws and regulations applicable to the contract. No subcontractors will be used except as stated in the application.
    - C) In planning the program proposed in the application, there has been, and in



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establishing and carrying out the program, there will be (to the extent applicable to the program) participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries.

- D) All funds provided shall be used for the purposes stated in the approved proposal.
- E) The applicant understands that payment for approved services and expenses will be made on a reimbursement-of-claims basis, and that payment will be made in accordance with the applicable statutes, regulations and standards after an application for payment is submitted to the State Board of Education.
- F) The applicant will maintain records on program and fiscal activities related to each award for a period of three (3) years for a state-funded program, and five (5) years for a federally funded program, following the end of each award period. Such records shall include a fiscal accounting for all monies in accordance with generally accepted governmental accounting principles. The State Board of Education shall have the right to inspect the applicant's records for auditing and monitoring purposes. If there are outstanding audit exceptions, records will be retained on file until such exceptions are closed out to the satisfaction of the State Board of Education.
- G) All rights, including copyright, to data, information, and/or other materials developed pursuant to an award are retained by the State Board of Education, unless otherwise agreed in writing by the State Board of Education. All such work products produced by the applicant through work pursuant to the award shall be made available to the State Board of Education upon request.
- H) The applicant will obey all laws, regulations, and executive orders prohibiting discrimination on the basis of race, color,

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national origin, sex, age, or handicap, and all other laws, regulations, and executive orders applicable to its activities, including but not limited to the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 2000e et seq.), the Public Works Employment Discrimination Act (Ill. Rev. Stat. 1989, ch. 29, par. 16.9 et seq.), and the Americans with Disabilities Act of 1990 (Public Law 101-336).

- I) The applicant is not barred from entering into a contract by Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, pars. 33E-3, 33E-4).
- J) The applicant is not barred from entering into a contract by Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132-10.1).
- K) The applicant is not barred from entering into a contract by Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132-11.1).
- L) If the applicant is an individual, the applicant is not in default on an educational loan as provided in Section 3 of the Educational Loan Default Act (Ill. Rev. Stat. 1989, ch. 127, par. 3553).
- e) Each not-for-profit applicant must also:
- 1) submit either an Internal Revenue Service statement of its 501(c)(3) status, a copy of its certificate of incorporation as a not-for-profit corporation, or evidence of its acceptance as a not-for-profit organization by the U.S. Postal Service; and



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- 2) attach a description of past involvement and present qualifications for providing educational opportunities in scientific literacy for teachers and/or students.
- f) Each renewal application must provide the following:
  - 1) a summative evaluation of the preceding year's program, documenting the services provided and describing the degree to which the grantee achieved its stated objectives;
  - 2) an updated narrative description of activities, timelines, evaluation procedures and the personnel to be responsible for them in the renewal year, relating the activities and objectives proposed to the evaluation results provided pursuant to subsection (1);
  - 3) an updated Budget Summary and Payment Schedule, with a budget narrative for the renewal year; and
  - 4) the assurances and certification form referred to in subsection (d) (2), bearing a current signature and applicable to the renewal period.
- g) Incomplete proposals will not be considered for funding.

## Section 220.40 Proposal Review Criteria - Initial Applications

- a) It is the intent of the State Board of Education, subject to the quality of proposals received and the level of funding appropriated, to provide funds statewide.
- b) Proposals submitted in response to the Request for Proposals shall be evaluated in accordance with the following criteria:
  - 1) The objectives and activities meet the program specifications contained in the Request for Proposals and support its goals (40 points);
  - 2) The proposal incorporates appropriate elements designated in the Request for Proposals as receiving high-priority consideration (25 points);

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- 3) The evaluation design will provide information that can be used to improve the project and to judge its success (15 points);
  - 4) The proposal provides sufficient documentation to support the effectiveness of the proposed program in increasing scientific literacy (10 points); and
  - 5) The proposed budget is cost-effective and is consistent with the scope of the objectives and activities (10 points).
- c) The State Superintendent of Education will make final determinations in accordance with the criteria set forth above.

## Section 220.50 Proposal Review Criteria - Renewal Applications

Renewal applications shall be evaluated in accordance with the following criteria:

- a) The evaluation of the previous year's project indicates that its stated objectives have been met and that the project has been conducted in conformance with the application approved by the State Superintendent of Education; or
- b) In instances where certain of a project's objectives have not been met, the grantee has described the relative status of each such objective, the reason(s) for incomplete achievement, and either:
  - 1) the steps to be taken to ensure that the objective will be met during the renewal period, if the objective remains a valid part of the proposal for renewal; or
  - 2) if the grantee has determined that the objective should be deleted from its plan or altered in light of the previous year's experience, the grantee has provided its rationale for such deletion or change and has described how the program's goals for the renewal period will be met in light of the change.



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## Section 220.60 Approval of Proposals

- a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of:
- 1) recommendations based on the criteria set forth in Sections 220.40 and 220.50;
  - 2) the total amount of funds appropriated for scientific literacy development grants; and
  - 3) the approvable amounts requested in the top-ranked proposals identified pursuant to Sections 220.40 and 220.50.

- b) Notification of grant awards for approved proposals will be made not later than forty-five (45) calendar days after the amount of the appropriation for this program is determined.

## Section 220.70 Terms of the Grant

A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved grant agreement with the State Board of Education which is subject to the following terms:

- a) Recipients of grant awards shall maintain records on program and fiscal activities for a period of three years following the end of the grant period; however, if there are outstanding audit exceptions, records shall be retained until such exceptions are closed out. For public school districts and Educational Service Centers, such records include fiscal accounting for all monies in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual). For other recipients, records must be maintained in accordance with generally accepted governmental accounting principles.
- b) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. The initial payment may not exceed 50% of the project budget, and amounts requested for subsequent months shall reflect actual need. Following negotiations, contract budgets may be amended by completing an amendment to the budget summary and payment schedule form and attaching supplementary documentation showing variances and justifications. A budget amendment is

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necessary whenever an individual line item is changed by more than \$500 or 10%, whichever is larger, from the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

- c) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, par. 2301 et seq.) Funds granted for the operation of this program must be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and the grantee's policies and procedures related to such expenditures.
  - d) The State Board of Education and its agents shall have complete access, during the grantee's regular hours of operation and without prior notice, to files, records and all other property maintained by the grantee pursuant to the grant agreement.
  - e) Subcontract Information  
The applicant may enter into a subcontract with another not-for-profit agency to implement the program. However, all program and fiscal responsibilities are to be retained by the applicant to ensure compliance with the terms and conditions of the grant.
- 1) All subcontracting must be documented and must have prior approval. The following information is required if subcontracting is to be used:
    - A) Name and address of subcontractor(s).
    - B) Need/purpose for subcontracting.
    - C) Measurable and time-specific services to be provided.
    - D) Associated costs, i.e., amount to be paid under the subcontract.
  - 2) Subcontracting will be approved if the proposed activities and use of resources would have been approvable if carried out by the recipient.
  - f) Grant recipients must submit a year-end report to the State Board of Education within thirty days after the



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project's conclusion. That report must include the following information:

- 1) Objectives and activities completed.
- 2) Resources utilized during the grant period.
- 3) Final evaluation of the program, including the extent to which the program proved to be a successful intervention strategy for improving scientific literacy, the program's effect on the target population, and its replicability by other agencies and/or institutions providing educational experiences in scientific literacy.
- 4) Planned strategies for the continued development and implementation of the program, including resources to be utilized.
- 5) A completed final expenditure report form.
- 6) A final summary of methods, data, and conclusions (as a journal-style article, 2-5 pages).
- g) The time period of the grant shall run from July 1 of the calendar year of the award, or from a date to be negotiated, through August 31 of the following calendar year.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Affordable Housing Program

- 2) Code Citation: 47 Ill. Adm. Code 360

- 3) Section Numbers: Adopted Action:

360.102	Amendment
360.103	Amendment
360.104, 360.106	Amendment
360.202	Amendment
360.302	Amendment
360.305	Amendment
360.306	Repealed
360.307	Amendment
360.308	Amendment
360.309	Amendment
360.310	Amendment
360.401	Amendment
360.501	Amendment
360.502	Amendment
360.503	Amendment
360.504	Amendment
360.505	Amendment
360.506	Amendment
360.507	Amendment
360.601	Amendment
360.602	Amendment
360.603	Amendment
360.604	Amendment
360.605	Amendment
360.606	Amendment
360.701	Amendment
360.801	Amendment
360.802	Amendment
360.803	Amendment
360.804	Amendment
360.901	Amendment
360.902	Amendment
360.903	Amendment
360.904	Amendment
360.905	Amendment
360.1101	Amendment

- 4) Statutory Authority: Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill. Rev. Stat. 1989, Ch. 67-1/2, pars. 1254 and 1257).

- 5) Effective Date of Amendments : November 19, 1991



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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 15, 1991
- 9) Notice of Proposal Published in Illinois Register:  
June 28, 1991 15 Ill. Reg. 9260
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:  
Based upon comments received from the Joint Committee on Administrative Rules a few changes were made of style, rather than substance.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?  
The amendments reflect statutory changes by the Legislative and stylistic changes.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Diane Corbett  
401 N. Michigan Ave., Room 900  
Chicago, Illinois 60611  
(312) 836-5333

The full text of the Adopted Amendments begin on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360  
AFFORDABLE HOUSING PROGRAM

SUBPART A: GENERAL RULES

Section	Authority
360.101	Purpose and Objectives
360.102	Definitions
360.103	Borrowing by the Authority
360.104	Compliance with Federal Law
360.105	Standards - Criteria
360.106	Forms and Procedures for the Program
360.107	Fees and Charges of the Authority
360.108	Waiver
360.109	Amendment
360.110	Severability
360.111	Gender and Number
360.112	Titles and Captions
360.113	Calendar Days
360.114	

SUBPART B: ELIGIBILITY

Section	Eligible Recipients
360.201	Eligible Beneficiaries
360.202	Eligible Activities
360.203	

SUBPART C: APPLICATION

Section	Application
360.301	Form
360.302	Review
360.303	Initial Meeting
360.304	Site and Market Study
360.305	Feasibility Determination <u>(Repealed)</u>
360.306	Staff Recommendation
360.307	Advisory Commission
360.308	Authority Determination
360.309	Conditional Commitment
360.310	

SUBPART D: NOTICE

Section	Notification by Authority
360.401	



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360.402 Comments and Responses

SUBPART E: OWNER

Section

360.501 Eligible Mortgage Applicants

360.502 Land Trusts

360.503 Books and Records

360.504 Audits

360.505 Annual Financial Report

360.506 Furnishing Information

360.507 Standards for Approval of Conveyance

AUTHORITY: Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 1254 and 1257) and Sections 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 307.19 and 307.25).

SUBPART F: MORTGAGE LOANS AND GRANTS

SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991.

Section

360.601 Maximum Mortgage Loan Amount and Priority

360.602 Maximum Grant Amount

360.603 Increase Above Maximum Mortgage Loan Amount

360.604 Amortization

360.605 Recapture of Assistance

360.606 Prepayment of Mortgage Loan

Section 360.102 Purpose and Objectives

This Part is established to accomplish the general purposes of the Affordable Housing Act and in particular the making of grants, mortgages or other loans to acquire, construct, rehabilitate, develop, operate, insure and retain affordable single-family housing and multifamily housing for low-income households and very low-income households.

SUBPART G: CONSTRUCTION

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section

360.701 Design and Construction Standards

SUBPART H: MARKETING AND MANAGEMENT

Section

360.801 Marketing and Management

360.802 Marketing and Management Plans

360.803 Maintenance

360.804 Cost of Service

SUBPART I: TENANTS AND OCCUPANCY

Section

360.901 Displacement

360.902 Relocation Plan

360.903 Tenant Selection Plan and Participant Selection Plan

360.904 Income and Rent Limits

360.905 Non-Discrimination

SUBPART J: ENERGY EFFICIENCY

Section

360.1001 Standards

"Affordable Housing Act": The Illinois Affordable Housing Act, Public Act 86-925, effective September 15, 1989.

"Applicant": The person or entity applying for an allocation of



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monies from the Trust Fund.

"Authority": The Illinois Housing Development Authority.

"Bonds":--the--bonds--issued--by--the--Authority--from--time--to--time--to--finance--the--Program;

"Borrower": The person or entity holding legal title to a Development or Single-Family Development and who has executed and delivered to the Authority a Note.

"Clearinghouse": The person in the Office of the Governor designated by the Governor to provide notice to appropriate State and local agencies of proposed Developments or Single-Family Developments.

"Construction-Completion-Date":--the--date--that--construction--of--a Development--is--substantially--completed--as--approved--by--the--Authority in--writing;

"Cost-Certification-Cutoff-Date":--the--last--day--of--the--month--in--which the--Construction-Completion-Date--falls;

"Congregate-housing":--A--building--or--structure--in--which--2--or--more householders--inclusive--share--common--living--areas--and--may--share--child care--cleaning--cooking--and--other--household--responsibilities;

"Development": A Multifamily Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Development-Funds":--All--cash--rent--subsidies--gross--development income--bank--accounts--bank--accounts--certificates--of--deposit--trust funds--reserves--escrows--accounts--receivable--and--other--such--assets of--a--Development;

"Director": The Director of the Authority.

"Final-Closing-Date":--the--date--on--which--the--Authority--issues--its final--disbursement;

"Initial-Closing-Date":--the--date--on--which--the--Authority--issues--its initial--disbursement;

"Loan": The loan from the Authority to a Borrower to be used for the acquisition of the Real Estate or for the planning, construction, rehabilitation, development, completion, or financing of a Development or Single-Family Development.

"Low-income household": A single person, family or unrelated

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persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3 of the Act).

"Members": The Members of the Authority.

"Moderate-income-household":--A--single--person--family--or--unrelated persons--living--together--whose--adjusted--income--is--more--than--80%--but less--than--120%--of--the--median--income--of--the--area--of--residence--adjusted for--family--size--as--such--adjusted--income--and--median--income--for--the area--are--determined--from--time--to--time--by--the--United--States--Department of--Housing--and--Urban--Development--for--purposes--of--Section--8--of--the United--States--Housing--Act--of--1937--(42--U--S--C--1437)--(Section--3--of--the Act);

"Mortgage":--The--mortgage--together--with--any--supplements--thereto--and amendments--or--modifications--thereof--executed--as--security--for--a Mortgage--loan;

"Mortgage-loan":--The--loan--from--the--Authority--to--a--Mortgagor--to--be used--for--the--acquisition--of--the--Real--Estate--or--for--the--planning--construction--rehabilitation--development--completion--or--financing--of a--Development;

"Mortgage-Note":--The--document--executed--as--evidence--of--a--Mortgagor's indebtedness--under--a--Mortgage--loan--and--any--supplements--thereto--and modifications--or--amendments--thereof;

"Mortgagor":--The--person--or--entity--holding--legal--title--to--a Development--or--Single--Family--Development--and--who--has--executed--and delivered--to--the--Authority--the--Mortgage--and--Mortgage--Note;

"Multi-family Housing": A building or buildings providing housing to 5 or more households.

"Nonprofit--Corporation":--A--nonprofit--corporation--incorporated pursuant--to--the--provisions--of--the--Illinois--General--Not--For--Profit Corporation--Act--of--1986--(Ill--Rev--Stat--1987--ch--327--par--101-55-et seq)--and--having--articles--of--incorporation--which--in--addition--to meeting--other--requirements--of--law--meet--the--requirements--of--the--Act and--the--Affordable-Housing--Act;

"Note": The document executed as evidence of a Borrower's indebtedness under a loan and any supplements thereto and modifications or amendments thereof.



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"Notes":--The notes issued by the Authority--from--time--to--time--to finance--the--Program.

"Owner": The person or entity holding legal title to a Development or Single-Family Development or, when the Real Estate is held in an Illinois land trust, the entity owning the beneficial interest in a Trust.

"Part": This Part 360.

"Participant Selection Plan": The participant selection plan approved by the Authority for a Single-Family Development.

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development or Single-Family Development is to be or has been constructed.

"Recipient": The proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government which receives Trust Fund monies from the Authority.

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-Family Development": A Single-Family Housing project consisting of the Real Estate together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-Family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 203 of the Mobile Home Landlord and Tenant Rights Act (Ill. Rev. Stat. 1987 ch. 80, pars. 201 et seq.)

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Tenant": The person or family leasing a Single-Family Development or a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-Family Development.

"Trustee": The Trustee of an Illinois land trust holding legal title to a Development.

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"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Utility Allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3 of the Act).

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.104 Borrowing by the Authority

To the extent allowed by the Act and the Affordable Housing Act, the Authority may borrow funds with which to make Mortgage Loans under the Program.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.106 Standards - Criteria

In administering the Program, the Authority, the Director, and the Staff shall in the exercise of discretion consider, in addition to the criteria specifically set forth in this Part:

- a) the purposes of the Program to provide affordable, decent, safe, and sanitary housing;
- b) the requirements of applicable State and Federal law;
- c) the financial condition and previous experience of the Applicant;
- d) local government and community support for the Development or Single-Family Development;
- e) suitability of the location of the Development or Single-Family Development to the location of the Development or Single-Family Development;
- f) cost efficiency;
- g) energy efficiency;
- h) affordability to Low-Income Households and Very Low-Income Households;
- i) amount of Trust Fund monies requested per unit;
- j) term of the Loan and other sources of financing;
- k) secured position of the Loan;
- l) equity contribution of Applicant;
- m) amount and appropriateness of non-construction costs; and
- n) results of site and market study, if applicable.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)



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SUBPART B: ELIGIBILITY

Section 360.202 Eligible Beneficiaries

Funds from the Trust Fund may be expended only for the benefit of ~~Low~~ Income Households and ~~Very Low~~ Income Households. The majority of funds appropriated by the Illinois General Assembly to the Trust Fund for each fiscal year shall be expended for the benefit of ~~Very Low~~ Income Households.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

SUBPART C: APPLICATION

Section 360.302 Form

The Authority shall develop an application form to be used by all Applicants.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.305 Site and Market Study

~~The Staff may conduct a site and market study to assist in the preparation of the feasibility determination discussed in Section 360.306. The Authority shall conduct a site study when the Applicant seeks funds for new construction. The Authority shall conduct a market study when the Applicant's proposed rent structure is not in conformity with the rental market rates known to the Authority within a one half mile radius of the Development.~~

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.306 Feasibility Determination (Repealed)

~~The Staff, after reviewing the application, any additional information submitted by the Applicant, and any information generated by Staff, shall determine whether the proposed development is economically feasible. The Authority shall determine feasibility by comparing the rental income for the development with all expenses, including debt service for the development.~~

(Source: Repealed at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.307 Staff Recommendation

After making the feasibility determination reviewing the application, the Staff

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shall prepare a recommendation for presentation to the Advisory Commission. The Staff shall inform the Advisory Commission, as to each application, whether an application is being recommended for funding, not recommended for funding or rejected due to being ineligible for funding.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.308 Advisory Commission

The Staff will present its recommendation on each application to the Advisory Commission, together with a summary of the application, the feasibility determination and any other information provided by Staff in response to the Advisory Commission's requests.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.309 Authority Determination

The Staff shall present all recommendations to distribute Trust Fund monies, together with the recommendations of the Advisory Commission, to the Members. Funds Monies from the Trust Fund can only be allocated pursuant to resolution by the Members.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

Section 360.310 Conditional Commitment

After approval of an application by the Members, the Staff shall prepare and deliver to the Applicant a conditional commitment which contains the Authority's commitment to allocate Trust Fund monies conditioned upon the Applicant meeting the requirements of the conditional commitment and the availability of funds monies in the Trust Fund. The conditional commitment may remain in effect for only one year.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991 )

SUBPART D: NOTICE

Section 360.401 Notification by Authority

- a) Notice of Allocation  
Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation to the following persons and agencies:  
1) the chairman of the county board of the county in which the



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proposed Development or Single-Family Development is to be located;

2) the mayor or other chief executive of the municipality, if any, in which the proposed Development or Single-Family Development is to be located;

3) the appropriate Clearinghouses; and

4) each member of the General Assembly from the legislative district in which the proposed Development or Single-Family Development is to be located. If the application does not request Trust Fund monies for a specific Development, the notice will be sent based on the location of the Applicant.

b) Forms

Notice under this section shall be made on forms prepared by the Authority.

c) Contents

The notice shall set forth the name and address of the Applicant; the estimated amount of the allocation; if applicable, the name and address of the proposed Development or Single-Family Development; type of any subsidies; the total number of units; and the type of Development or Single-Family Development (for example, elderly, family, or handicapped).

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## SUBPART E: OWNER

## Section 360.501 Eligible Mortgage Applicants

The Authority may make Mortgage Loans under the Program to Applicants eligible under Section 360.201 and Trustees or their designees. The Owner of the Development shall at all times be an Applicant eligible under Section 360.201 or a Trustee. If the Authority learns that an Owner is not an Applicant eligible under Section 360.201 or a Trustee, then the Authority shall take the action if any, specified in the Mortgage loan documents.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.502 Land Trusts

Whenever title to the Real Estate is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner shall be in a format approved by the Authority. The Authority shall approve such format if it meets the legal requirement necessary to create a valid Illinois land trust and complies with

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the Act and this Part the Rules as determined by the Authority. The deed in Trust and Trust agreement shall be in compliance with the Act and this Part the Rules, as determined by the Authority. Any Trust agreement shall not be amended or revoked without the prior written approval of the Authority. Upon either the request of the Owner or the Authority, the Trustee shall furnish the Authority with copies of the Trust agreement and all records in its possession relating to the Trust agreement, the Real Estate, and the Development. The Authority shall request such documents when it believes there is non-compliance with the Act or this Part. The Trust agreement and the Mortgage loan documents shall require such Authority approvals of, and impose such restrictions on, the conveyance, assignment, leasing, mortgaging, pledging or other transfer directly or indirectly, by operation of law (for example, bankruptcy proceedings), or otherwise of the Development, and the beneficial interest in and power of discretion over the Trust or any partnership interest or stock ownership interest in the beneficiary of the Trust.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.503 Books and Records

The books and records of the Development and the Recipient shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with the Rules, the Act, the Affordable Housing Act and all contracts and agreements relating to the Program. The books and records of the Owner, if separate from the books and records of the Development, shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. If the allocation is made to a Recipient to be dispursed or used for more than one Development or Single-Family Development, the books and records of the Recipient shall be subject to inspection, examination and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.504 Audits

The Development and offices, architectural plans and specifications, apparatuses, devices, books and records, contracts, documents, and other papers relating thereto of the Development or Single-Family Development shall at all times be maintained in reasonable condition for proper audit and shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. All audits, certifications, and financial reports which the Recipient is required by contract with the Authority to allow, undertake, or



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prepare shall be made by an independent certified public accountant acceptable to the Authority.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.505 Annual Financial Report

Within sixty days of the end of the calendar year, the Owner shall furnish the Authority with a complete annual financial report based upon the books and records of the Development and the Owner, prepared in accordance with Authority requirements, and certified by the Owner and an independent certified public accountant acceptable to the Authority. If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single-Family Development, the Authority shall require the Recipient to submit a complete annual financial report prepared in accordance with Authority requirements.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.506 Furnishing Information

The Owner or Recipient shall furnish such reports, projections, certifications, analyses, budget, operating report and tax returns as required by applicable Federal or State statutes, regulations, or subsidy or assistance programs or by the Authority, and shall furnish specific answers to the Authority's questions about the Owner's or Applicant's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Development.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.507 Standards for Approval of Conveyance

In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer of the Development or Single-Family Development; and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest in the beneficiary of the Trust as provided under Section 360-502; the Authority shall grant such approval, with any necessary restrictions, if the Authority determines that such action will not have an adverse impact upon the financial stability of the Development or tax-exempt status of the Bonds Single-Family Development.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

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SUBPART F: MORTGAGE LOANS AND GRANTS

Section 360.601 Maximum Mortgage Loan Amount and Priority

Mortgage Loans shall not exceed \$500,000.00 for each application. First priority shall be given to those applications which propose the lowest housing expense for the longest term.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.602 Maximum Grant Amount

Grants to any single a very low-income family household by an applicant shall not exceed \$5,000. Grants to a single low-income family household by an Applicant shall not exceed \$2,500. Grants to organizations or corporations are limited to \$500,000.00 for each application. Grants are not available to for-profit entities. All other provisions of this Part apply to grants made by the Authority.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.603 Increase Above Maximum Mortgage Loan Amount

Nothing contained in this section shall prohibit the Authority from increasing the amount of a Mortgage Loan above the limitations specified herein if the Authority, in its sole discretion, determines that such increase is necessary to meet the purposes of the Affordable Housing Act. In deciding whether to approve a Mortgage Loan increase, the Authority shall consider the physical condition of the Development or Single-Family Development, the value of the Development or Single-Family Development as security for the Mortgage Loan, the Authority's ability to provide such Mortgage Loan increase, the ability of the Owner to repay the Mortgage Loan and Mortgage Loan increase out of gross income of the Development or Single-Family Development income, the financial status of the Development or Single-Family Development and any other relevant factors.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.604 Amortization

The maximum term of a Mortgage Loan to be made by the Authority under this Program shall not exceed 40 years and may be shorter at the sole discretion of the Authority.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)



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## Section 360.605 Recapture of Assistance

Within each set of Mortgage Loan documents the Authority shall establish requirements regarding use, occupancy and rent levels as required by the Act and this Part. Such requirements shall provide that if the Recipient violates any of these requirements, such violation shall be deemed a default under the Mortgage Loan documents.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.606 Prepayment of Mortgage Loan

The Authority shall prohibit the prepayment of a Mortgage Loan for a Development if such prepayment shall result in the Development-becoming unaffordable-for-low-income-or-very-low-income-households-such-that-the-rent charged-to-such-households-exceeds-30%-of-the-households-income rents charged at the Development exceeding the limits set forth in Section 360.904(c) of this Part.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## SUBPART G: CONSTRUCTION

## Section 360.701 Design and Construction Standards

Developments or Single-Family Developments financed by Mortgage Loans under the Program shall be designed and constructed or rehabilitated to conform with applicable Federal, State, and local statutes, regulations, ordinances, standards, and codes, with industry practices in Illinois, and with the requirements of applicable Authority Rules, contracts, agreements, guides, and other documents.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## SUBPART H: MARKETING AND MANAGEMENT

## Section 360.801 Marketing and Management

- a) Responsibility: It shall be the responsibility of the Owner of--a Development or Recipient to provide for the marketing and management of the Development or Single-Family Development in a manner satisfactory to the Authority so as to promote the purposes of the Program and the financial stability of the Development or Single-Family Development and to preserve the value of the Authority's security interest in the Development or Single-Family Development.
- b) All marketing and management contracts plans shall be acceptable to

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the Authority pursuant to Section 360.802.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.802 Marketing and Management Plans

- a) Approval. Before the Authority makes a Mortgage Loan for--a Development under the Program or at such other time as required by the Authority, the Authority may require the Applicant to submit for the Authority's approval plans for the marketing and management of the Development or Single-Family Developments. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

- b) Contents of Marketing Plan. The marketing plan shall set forth the policies and procedures to be used by the marketing-agent in marketing the Development; shall address the qualifications of the marketing agent; the nature of the market to be served by the Development; the dates of availability of occupiable units by type and location; the dates of availability and locations of Development facilities essential to the marketing campaign, including model units, the rental office, and the community building; compliance with all Fair Housing requirements; and the promotion of the Development or Single-Family Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office, and marketing staff.

- c) Contents of Management Plan. The management plan shall set forth the policies and procedures to be used in the management of the Development and shall, if applicable, address the qualifications of the managing agent, procedures for recruiting and supervising management personnel, and physical maintenance of the Development.

- d) Owner's Responsibility. The Owner or Recipient shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable ordinances, regulations, statutes, and Authority Rules, agreements, and requirements.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.803 Maintenance

The Owner shall maintain the Development or Single-Family Development, including without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Development or Single-Family Development, in a decent, safe, and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable Federal, State, and local statutes, regulations, ordinances, standards and codes.



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(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.804 Cost of Service

The Owner shall not pay more for administrative, operating, and maintenance expenses than is reasonable given the location and size of the Development or Single-Family Development, the level of administration, operation, and maintenance required by the applicable Authority Rules and agreements, the requirements of the marketing plan, management plan, Participant Selection Plan, and Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the creditworthiness of suppliers and contractors, and any other relevant factors.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

SUBPART I: TENANTS AND OCCUPANCY

Section 360.901 Displacement

Recipients shall not cause the permanent displacement of any Tenants in a Development or Single-Family Development that receives Trust Fund monies for rehabilitation except as provided in Section 360.903.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.902 Relocation Plan

a) Approval. Before the Authority makes a Mortgage Loan for a Development under the Program or at such other time as required by the Authority, the Authority shall require the Applicant to submit, for the Authority's approval, a plan for the temporary relocation or permanent displacement of Tenants from a Development. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

b) Benefits Provided For in the Relocation Plan. The benefits provided for under the relocation plan shall be available only to lawful residential Tenants (not owner-occupants or businesses) who are temporarily relocated or permanently displaced following submission of the Applicant's application for Trust Fund monies or Applicant's control of the site, whichever comes later. The benefits provided for under the relocation plan shall not be available to Tenants if: the Tenant commences occupancy after the Applicant's application for Trust Fund monies or Applicant's control of the site, whichever comes later,

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provided such Tenant receives written notice of the impending rehabilitation and possible relocation or displacement prior to executing the lease; the Tenant has his/her tenancy terminated for violations of the terms and conditions of the lease, a violation of applicable Federal, State or local law, or other good cause; the Tenant is rejected for continued occupancy by the Applicant for reasons stated in the Development's Tenant Selection Plan or Participant Selection Plan; the Tenant moves from the Development or Single-Family Development of his/her own accord; or moves from the Development or Single-Family Development after receiving written notice of the impending rehabilitation; or other good cause exists to deny benefits as determined by the Authority. However, Tenants who are rejected by Applicant for continued occupancy in the Development or Single-Family Development for reasons concerning family size restrictions or inability to afford rent levels charged after rehabilitation shall be eligible for permanent displacement benefits under the relocation plan.

c) Contents of the Relocation Plan. The relocation plan shall set forth the policies and procedures to be used by the Applicant in temporarily relocating or permanently displacing Tenants of the Development including, but not limited to: provisions detailing the responsibilities of the Authority, the Applicant and, if applicable, its managing agent; the basic actions to be taken in the relocation program; the acceptance and rejection criteria for determining eligibility for temporary relocation and permanent displacement benefits; the information to be provided to Tenants regarding the relocation program; provisions providing for determining Tenants' relocation needs; a description of relocation benefits; and, provisions detailing the implementation of the relocation program plan, including a timetable for activities under the program plan.

d) Enforcement of Relocation Plan. The Recipient is responsible for assuring that all the relocation requirements are met. The Authority, except in those cases where another governmental agency has a regulatory requirement to do so, will monitor the relocation activities to determine compliance with the requirements of this Section. To enforce the provisions of this Section, the Authority may take whatever action is available under this Subpart or the Mortgage Loan documents, including the withholding of any Trust Fund monies due Owner Recipient.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

Section 360.903 Tenant Selection Plan and Participant Selection Plan

Before making a Mortgage Loan, grant or any other allocation under the Program, the Authority shall approve, where applicable, a Tenant Selection Plan or Participant Selection Plan submitted by the Applicant and setting forth the income limits for Tenants of the Development. In approving the Tenant



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Selection Plan or Participant Selection Plan, the Authority shall consider whether the selection procedures will be equitable, considering the family size and circumstances of the Tenant; maintain the financial stability of the Development or Single-Family Development; meet the requirements of Section 360.905; and 7 comply with the Authority's Rules.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.904 Income and Rent Limits

a) A Tenant's initial occupancy of a unit held available for rental to persons--and--families--of--low--and--very-low-income-as-defined-herein Low-Income Households and Very Low-Income Households shall be limited to persons and families initially meeting the income limits set forth in subsection (b) below. If a Tenant meeting income requirements at the time of initial occupancy subsequently fails to continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.

b) Determination of Income Limits

1) For all units reserved for Low-Income Households, the income limits shall be equal to 80% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3 of the Act). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

2) For all units reserved for Very Low-Income Households, the income limits shall be equal to 50% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3 of the Act). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

3) The Owner shall obtain from each prospective Tenant intending to occupy a unit held available for rental to persons--and--families--of--low-income--very-low-income Low-Income Households and Very Low-Income Households and on an annual basis thereafter a certification of income. The Owner shall submit such certification to the Authority by mail.

c) Determination of Rent Limits

1) For all units reserved for Low-income persons--or--families Households, Tenant(s) occupying such units shall not be charged,

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including a utility allowance, rent in excess of 30% of the household's-adjusted-income maximum allowable income as set forth in subsection (b)(1) above. The amount allocated for the utility allowance shall be determined by the Recipient and approved by the Authority.

2) For all units reserved for Very Low-income persons--or--families Households, Tenant(s) occupying such units shall not be charged, including a utility allowance, rent in excess of 30% of the household's-adjusted-income maximum allowable income as set forth in subsection (b)(2) above. The amount allocated for the utility allowance shall be determined by the Recipient and approved by the Authority.

3) The Owner shall submit on an annual basis the rent schedule for the Development reflecting the actual rents being charged at the Development.

4) No person or family shall be required to vacate or move from a unit reserved for Low-Income Households or Very Low-Income persons--or--families Households due to an increase in income exceeding the income limitations contained in this Subpart. The Owner may increase the rent for such units, for so long as the person or family's income exceeds such limits, to an amount not to exceed the fair market rent as determined by the Authority, determined by a market study of comparable rental units within a one half mile radius of the Development.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## Section 360.905 Non-Discrimination

Developments--receiving-Affordable-Housing-monies Recipients shall not refuse to accept Tenants for occupancy solely because the Tenant receives governmental rental assistance, nor based on a prospective Tenant's race, national origin, religion, creed, sex, age, familial status or disability.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

## SUBPART K: CERTIFICATIONS

## Section 360.1101 Environmental Assessment

Prior to initial closing date to the making of a loan under the Program, the Authority shall require the Applicant to have an environmental assessment review of the proposed Development undertaken by an environmental consultant approved by the Authority if the Applicant requests a first-lien mortgage loan secured by a first lien mortgage. The environmental assessment shall consist of a review of historic activities on and current conditions of the Real Estate which identifies potential problem areas. If its review of the



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results of an environmental assessment disclose the presence of any hazardous substance as described at Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601(14)), the Authority shall have conducted a more comprehensive environmental assessment by an environmental consultant approved by the Authority. This assessment may consist of sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of such assessments, and the costs may, at the sole discretion of the Authority, be payable out of Mortgage Loan proceeds.

(Source: Amended at 15 Ill. Reg. 17088, effective November 19, 1991)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Low-Income Housing Tax Credit Allocation
- 2) Code Citation: 47 Ill. Adm. Code 350
- 3) Section Numbers:  
350.205  
350.206  
Adopted Action:  
Amendment  
Amendment
- 4) Statutory Authority: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, Ch. 67-1/2, pars. 307.24(g), 307.19 and 307.25).
- 5) Effective Date of Amendments : November 13, 1991, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 15, 1991
- 9) Notice of Proposal Published in Illinois Register:  
June 28, 1991  
15 Ill. Reg. 9284
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will these Amendments replace amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?  
The amendments reflect statutory changes by the U.S. Congress.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Diane Corbett, Esq.  
401 N. Michigan Ave., Room 900  
Chicago, Illinois 60611



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(312) 836-5337

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 350

LOW-INCOME HOUSING TAX CREDIT ALLOCATION

SUBPART A: GENERAL RULES

Section

350.101 Purpose and Objectives

350.102 Definitions

350.103 Compliance with Federal Law

350.104 Severability

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section

350.201 Tax Credit Issuing Authority

350.202 Allocation Pursuant to Qualified Allocation Plan

350.203 Application Process

350.204 Notice of Application

350.205 Authority Review

350.206 Allocation Amount - Project Feasibility

350.207 Approval or Rejection

350.208 Extended Low-Income Housing Commitment

350.209 Project Certification

350.210 Housing Tax Credit Dollars Allocation

350.211 Reservation of Housing Tax Credit Dollars for Period Other Than  
Current Calendar Year

350.212 Revocation of Reservations

**AUTHORITY:** Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25).

**SOURCE:** Emergency rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days; emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947, effective April 18, 1989; Part repealed, new Part adopted by emergency action at 14 Ill. Reg. 5827, effective March 19, 1990, for a maximum of 150 days; emergency expired August 16, 1990; Part repealed, new Part adopted at 14 Ill. Reg. 14021, effective August 16, 1990; amended at 15 Ill. Reg. 17110, effective November 13, 1991.

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section 350.205 Authority Review

Upon receipt of a complete application for housing tax credit dollars, the Authority shall review the application and approve or reject it in whole or in



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part. In its review of an application, the Authority shall consider, but shall not be limited to considering, the following criteria:

- a) Section 42 Requirements. The ability of the Project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code throughout the Compliance Period, based on information contained in the application;
- b) Financial Feasibility. The financial feasibility of the Project, taking into the consideration the existing housing in the area in which the Project will be located, the area's housing needs as determined by the Authority, the cost of the Project, the projected income of the Project, and all sources of financing for the Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully complete the Project and place it in service, taking into consideration the Sponsor's schedule submitted with the application, the Sponsor's experience in the development and rehabilitation of housing, and the size and scope of the Project;
- d) Unit Configuration. The number of units in the Project, including the number of bedrooms per unit, that meet the area's housing needs, as determined by the Authority;
- e) Location. The geographical location of the Project in relation to other Projects which have been allocated housing tax credit dollars for the calendar year, and whether the Project is located in other than a constitutional home rule unit which has not ceded its housing tax credit dollars to the Authority;
- f) Housing Stock. The ability of the Project to increase the quality and quantity of housing stock and redevelop blighted areas or to prevent the occurrence of slum conditions;
- g) Number of Low-Income Units. Whether the designated number of units for low-income households exceeds the minimum requirements of Section 42 of the Internal Revenue Code;
- h) Involuntary Displacement. The ability of the Sponsor to minimize involuntary displacement of low-income households for rehabilitation Projects taking into consideration the safety of the tenants during rehabilitation, any necessary structural changes, the integrity of the structure and the scope of rehabilitation;
- i) Government Support. Assistance or financial support from Federal, State, or local governmental units;
- j) Non-Profit Participation. Material participation of a qualified nonprofit organization in the development and operation of the Project, as set forth in Section 42(h)(5) of the Internal Revenue Code;
- k) Special Needs Populations. The availability and accessibility of the Project for the physically handicapped, the mentally ill, the developmentally disabled or other special needs populations, in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794);
- l) Percentage of Housing Tax Credit Dollar Amount. The Project-with-the higher percentage of housing tax credit dollars used for Project

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costs, other than the cost of intermediaries--shall-be-given preference-over-a-Project-with-a-lower--percentage--of--housing--tax credit-dollars-used-for-such-costs;

- m) Compliance Period. Whether the length of time for which the Project is obligated to serve qualified tenants, pursuant to Section 350.208 of this Part, exceeds the minimum requirement of Section 42 of the Internal Revenue Code;
- n) Lowest Income Tenants. The ability of the Project to serve the lowest income tenants for the county, as determined by the Authority in evaluating the Project's proposed rent schedule;
- o) Public Housing Waiting Lists. The availability of the Project to low-income households who have applied for public housing and whose name is on a waiting list maintained by a public housing authority as certified by the Sponsor in the application; and
- p) Preservation. The ability of the Sponsor to continue to provide low income housing for Projects currently eligible to be prepaid and converted to market rate housing. The Sponsor shall provide written evidence of the Project's eligibility for prepayment and the Project's economic feasibility in the event of a prepayment.

(Source: Amended at 15 Ill. Reg. 17110, effective November 13, 1991)

## Section 350.206 Allocation Amount - Project Feasibility

The housing tax credit dollar amount allocated to a Project shall not exceed the amount the Authority determines is necessary for the financial feasibility of the Project and its viability as a qualified low-income housing project throughout the Credit Period. The amount of the final housing tax credit dollars allocation for the Project will be the amount the Authority determines to be necessary at the time the building is placed in service. In making its determination of feasibility, the Authority shall consider the sources and uses of funds and the total financing planned for the Project, the percentage of the housing tax credit dollar amount used for Project costs other than the costs of intermediaries so long as this consideration is not applied so as to impede the development of Projects in hard to develop areas of the State and any proceeds or receipts expected to be generated by reason of tax benefits. The Authority shall make its determination of feasibility at each of the following times:

- a) The application for the housing tax credit dollar amount; and
- b) The conditional reservation of the housing tax credit dollar amount; and
- c) The date the building is placed in service.

(Source: Amended at 15 Ill. Reg. 17110, effective November 13, 1991)



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Areas Designated by Act of Congress
- 2) Code Citation: 62 Ill. Adm. Code 1761
- 3) Section Numbers:

	<u>Adopted Action:</u>
1761.11	Amended
1761.12	Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act?

Yes. The Joint Committee on Administrative Rules (JCAR) issued its Certificate of Approval of such incorporation by reference on March 19, 1991; a copy thereof accompanies this rulemaking.

- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
February 1, 1991; 15 Ill. Reg. 1212
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation and grammatical errors have been corrected pursuant to comments and direction received from JCAR.

The following changes were made based upon comments received and discussions with JCAR:

Section 1761.11(d)(2) is modified to read as follows:

d) \*\*\*

1) \*\*\*

## DEPARTMENT OF MINES AND MINERALS

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- 2) Where the Illinois Department of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected, including surface areas impacted by planned subsidence, to be within one hundred (100) feet of such road, after:
  - A) Public notice and opportunity for a public hearing in accordance with Section 1761.12(c); and
  - B) Making a written finding that the interests of the affected public and landowners will be protected;

Section 1761.12(c)(1) is modified to read as follows:

- c) Where the proposed mining operation is proposed to be conducted within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)), or where the applicant proposes to relocate or close any public road, the Department shall:
  - 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

On December 21, 1990, the Department received a letter from the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) stating that guidelines established pursuant to the Wild and Scenic Rivers Act already existed and therefore the word "future" must be deleted from the Department's rules. The adopted amendment to Section 1761.11(a) serves to make the Department's requirements consistent with and no less effective than OSMRE's counterpart regulation, 30 CFR 761.11, and serves to incorporate by reference the guidelines in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act. Ill. Rev. Stat. 1989, ch. 127, par. 1006.02.



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Section 1761.11 sets forth areas where mining is prohibited or limited. Section 1761.12 sets forth the Department's procedures for determining if mining in an area should be prohibited or limited. The adopted amendments of Section 1761.11(d) and 1761.12(c) only require the approval of public road authorities where public roads are to be relocated or closed. The approval of public road authorities would no longer be required with respect to affected areas within one hundred (100) feet of a public road. These amendments make the Department's requirements consistent with the fact that public road authorities have no jurisdiction under the Surface Coal Mining Land Conservation and Reclamation Act, Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq., with respect to affected areas; such jurisdiction is limited to relocation and closure of public roads.

The amendment in Section 1761.12(c)(2) provides the Department and the public guidance as to when a hearing must be requested by establishing a time limit in which public hearing requests must be submitted to the Department.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 W. Jefferson, Suite 300 P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1761

## AREAS DESIGNATED BY ACT OF CONGRESS

## Section

1761.1 Scope

1761.11 Areas Where Mining is Prohibited or Limited

1761.12 Procedures

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992.

**Section 1761.11 Areas Where Mining is Prohibited or Limited**

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) or study rivers or study river corridors as established in any future guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National Recreation Areas designated by Act of Congress. The guidelines at 47 FR 39454 do not include any subsequent editions or amendments;
- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road, except:
  - 1) Where mine access roads or haulage roads join such right of way



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- lines; or
- 2) Where the Illinois Department of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected, including surface areas impacted by planned subsidence, to be within one hundred (100) feet of such road, after:
    - A) Public notice and opportunity for a public hearing in accordance with Section 1761.12(c); and
    - B) Making a written finding that the interests of the affected public and landowners will be protected;
  - e) Within three hundred (300) feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:
    - 1) The owner thereof has provided a written waiver consenting to surface coal mining operations closer than three hundred (300) feet; or
    - 2) The part of the mining operation which is within three hundred (300) feet of the dwelling is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;
    - f) Within three hundred (300) feet measured horizontally of any public building, school, church, community or institutional building, or public park; or
    - g) Within one hundred (100) feet measured horizontally of a cemetery.
    - h) There will be no surface coal mining, permitting, licensing or exploration of Federal lands in the National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, or National Recreation Areas, unless called for by Acts of Congress.

(Source: Amended at 15 Ill. Reg. 17115, effective January 1, 1992)

## Section 1761.12 Procedures

- a) Upon receipt of a complete application for a surface coal mining and reclamation operation permit, the Department shall review the application to determine whether surface coal mining operations are limited or prohibited under Section 1761.11 on the lands which would be disturbed by the proposed operations.
- b) Federal recreational systems; public buildings; cemeteries
  - 1) Where the proposed operation would be located on any lands listed in Section 1761.11(a), (f) or (g), the Department shall reject the application if the applicant has no valid existing rights for the area or if the operation did not exist on August 3, 1977.
  - 2) If the Department is unable to determine whether the proposed operation is located within the boundaries of any of the lands in Section 1761.11(a) or closer than the limits provided in Section

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1761.11(f) and (g), the Department shall transmit a copy of the relevant portions of the permit application to the appropriate Federal, State, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within thirty (30) days of receipt of the request. The National Park Service or the U.S. Fish and Wildlife Service shall be notified of any request for a determination of valid existing rights pertaining to areas within the boundaries of areas under their jurisdiction and shall have thirty (30) days from receipt of the notification in which to respond. The Department, upon request by the appropriate agency, shall grant an extension to the 30-day period of an additional thirty (30) days. If no response is received within 30-day period or within the extended period granted, the Department may make the necessary determination based on the information it has available.

- c) Where the proposed mining operation is proposed to be conducted within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)), or where the applicant proposes to relocate or close any public road, the Department and the public--road--authority--with jurisdiction over the road under Illinois law shall:
  - 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;
  - 2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest which is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. Such request shall be submitted to the Department within fourteen (14) days after the newspaper notice required by this subsection;
  - 3) If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two (2) weeks prior to the hearing; and
  - 4) Make a written finding based upon information received at the public hearing within thirty (30) days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the public and affected landowners will be protected from the proposed mining operations. No mining shall be allowed within one hundred (100) feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the Department and public road authority determines that the interests of the public and affected landowners will be protected.
- d) Occupied dwellings



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- 1) Where the proposed surface coal mining operations would be conducted within three hundred (300) feet, measured horizontally, of any occupied dwelling, the permit applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.
- 2) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within three hundred (300) feet of such dwelling, a new waiver shall not be required.

- 3)
  - A) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.
  - B) A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to State laws or if the mining has proceeded to within the three hundred (300) foot limit prior to the date of purchase.

- e) Publicly owned parks; places included in the National Register of Historic Places

- 1) Where the Department determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the Department shall transmit to the Federal, State, or local agencies with jurisdiction over the publicly owned park or National Register place a copy of applicable parts of the permit application together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has thirty (30) days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Department, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional thirty (30) days. Failure to interpose an objection within thirty (30) days of the extended period granted shall constitute an approval of the proposed permit.
- 2) A permit for the operation shall not be issued unless jointly approved by all affected agencies.

- f) If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and this Part, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.
- g) A determination by the Department that a person holds or does not hold

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a valid existing right or that surface coal mining operations did or did not exist on the date of enactment shall be subject to administrative and judicial review under 62 Ill. Adm. Code 1775.11 and 1775.13.

(Source: Amended at 15 Ill. Reg. 17115, effective January 1, 1992)



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- 1) The Heading of the Part: Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

2) Code Citation: 62 Ill. Adm. Code 1702

3) Section Number: Adopted Action:

1702.1 New Section  
1702.5 New Section  
1702.10 New Section  
1702.11 New Section  
1702.12 New Section  
1702.13 New Section  
1702.14 New Section  
1702.15 New Section  
1702.16 New Section  
1702.17 New Section  
1702.18 New Section

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (111. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do the adopted rules contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: November 19, 1991

9) Date Notice of Proposed Rules published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1221

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules (JCAR).

The following changes were made based upon comments received:

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Section 1702.5(a)(1) is modified to read as follows:

For purposes of determining the beginning of the cumulative measurement period, subject to the Department's approval, the operator must select and consistently use one of the following:

Section 1702.5(a)(1)(B) is modified to read as follows:

For mining areas where extraction of coal or other minerals commenced on or after August 3, 1977, the date extraction of coal or other minerals commenced at that mining area.

Section 1702.15 is renumbered and subsections (a)(1), (b) and (c) are modified by adding "or the Secretary" after "Department." As renumbered and modified, Section 1702.15 reads as follows:

- a) A person conducting activities covered by this Part shall:
- 1) Maintain on-site or at other locations available to authorized representatives of the Department or the Secretary of the Interior (Secretary) information necessary to verify the exemption including, but not limited to, commercial use and sales information, extraction tonnages, and a copy of the exemption application and exemption approved by the Department;
  - 2) Notify the Department upon the completion of the mining operation or permanent cessation of all coal extraction activities; and
  - 3) Conduct operations in accordance with the approved application or when authorized to extract coal under Section 1702.11(b) or Section 1702.11(e)(3) prior to submittal or approval of an exemption application, in accordance with the standards of this Part.
- b) Authorized representatives of the Department or the Secretary shall have the right to conduct inspections of operations claiming exemption under this Part.
- c) Each authorized representative of the Department or the Secretary conducting an inspection under this Part:
- 1) Shall have a right of entry to, upon, and through any mining and reclamation operations without advance notice or a search warrant, upon presentation of appropriate credentials;
  - 2) May, at reasonable times and without delay, have access to and copy any records relevant to the exemption; and
  - 3) Shall have a right to gather physical and photographic evidence to document conditions, practices or violations at a site.
- d) No search warrant shall be required with respect to any activity under Section 1702.15(b) and (c), unless otherwise



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required by the Criminal Code of 1961. (Ill. Rev. Stat. 1989, ch. 38, pars. 108-1 et seq.)

The first sentence of Section 1702.17 is modified to read as follows:

If the Department finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the Department shall revoke the exemption and immediately notify the operator and any person having an interest which is or may be adversely affected by the revocation and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d).

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?
- No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of rules:

On February 7, 1990 and April 24, 1990, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department letters notifying it that since the Surface Coal Mining Land Conservation and Reclamation Act (State Act) provides an exemption for coal extraction incidental to the mining of other minerals, Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.06(b), the Department needed to revise its program to include, among other things, exemption criteria and application and reporting requirements no less effective than those contained at OSMRE's newly promulgated 30 CFR 702. By these letters OSMRE notified the Department to amend its program requirements in order to become consistent with current Federal regulations, pursuant to 30 CFR 732.17. Part 1702 serves to address the concerns set forth in OSMRE's letters by implementing the exemption contained in Section 1.06(b) of the State Act and incorporates changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the rules adopted in Part 1702:

Section 1702.1 sets forth the scope of Part 1702 in accordance with the OSMRE counterpart rule, 30 CFR 702.1.

Section 1702.5 sets forth definitions of terms used in Part 1702 in

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accordance with the OSMRE counterpart rule, 30 CFR 702.5.

Section 1702.10 sets forth information collection requirements in accordance with the OSMRE counterpart rule, 30 CFR 702.10.

Section 1702.11 sets forth application requirements and procedures in accordance with the OSMRE counterpart rule, 30 CFR 702.11.

Section 1702.12 sets forth application content requirements in accordance with the OSMRE counterpart rule, 30 CFR 702.12.

Section 1702.13 sets forth requirements for the public availability of information in accordance with the OSMRE counterpart rule, 30 CFR 702.13.

Section 1702.14 sets forth requirements for exemption in accordance with the OSMRE counterpart rule, 30 CFR 702.14.

Section 1702.15 sets forth conditions of exemption and right of inspection and entry requirements in accordance with the OSMRE counterpart rule, 30 CFR 702.15.

Section 1702.16 sets forth requirements for stockpiling of minerals in accordance with the OSMRE counterpart rule, 30 CFR 702.16.

Section 1702.17 sets forth requirements for revocation and enforcement in accordance with the OSMRE counterpart rule, 30 CFR 702.17.

Section 1702.18 sets forth reporting requirements in accordance with the OSMRE counterpart rule, 30 CFR 702.18.

- 16) Information and questions regarding these Adopted Rules shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Rules begin on the next page:



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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1702  
EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO  
THE EXTRACTION OF OTHER MINERALS

Section	Scope
1702.1	Definitions
1702.5	Information Collection
1702.10	Application Requirements and Procedures
1702.11	Contents of Application for Exemption
1702.12	Public Availability of Information
1702.13	Requirements for Exemption
1702.14	Conditions of Exemption and Right of Inspection and Entry
1702.15	Stockpiling of Minerals
1702.16	Revocation and Enforcement
1702.17	Reporting Requirements
1702.18	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 15 Ill. Reg. 17123, effective January 1, 1992

## Section 1702.1 Scope

This Part implements the exemption contained in Section 1.06(b) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.06(b)) (State Act) concerning the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16 2/3 percent of the total mineral tonnage mined for purposes of commercial use or sale.

## Section 1702.5 Definitions

As used in this Part, the following terms have the meaning specified, except where otherwise indicated:

- a) "Cumulative measurement period" means the period of time over which both cumulative production and cumulative revenue are measured.
- 1) For purposes of determining the beginning of the cumulative measurement period, subject to the Department's approval, the operator must select and consistently use one of the following:
  - A) For mining areas where coal or other minerals were extracted prior to August 3, 1977, the date extraction of coal or other minerals commenced at that mining area or August 3, 1977; or

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- B) For mining areas where extraction of coal or other minerals commenced on or after August 3, 1977, the date extraction of coal or other minerals commenced at that mining area.
- 2) For annual reporting purposes pursuant to Section 1702.18, the end of the period for which cumulative production and revenue is calculated is either:
  - A) For mining areas where coal or other minerals were extracted prior to April 1, 1990, March 31, 1990, and every March 31 thereafter; or
  - B) For mining areas where extraction of coal or other minerals commenced on or after April 1, 1990, the last day of the calendar quarter during which coal extraction commenced, and each anniversary of that day thereafter.
- b) "Cumulative production" means the total tonnage of coal or other minerals extracted from a mining area during the cumulative measurement period. The inclusion of stockpiled coal and other mineral tonnages in this total is governed by Section 1702.16.
- c) "Cumulative revenue" means the total revenue derived from the sale of coal or other minerals and the fair market value of coal or other minerals transferred or used, but not sold, during the cumulative measurement period.
- d) "Mining area" means an individual excavation site or pit from which coal, other minerals and overburden are removed.
- e) "Other minerals" means any commercially valuable substance mined for its mineral value, excluding coal, topsoil, waste and fill material.

## Section 1702.10 Information Collection

The collections of information contained in Sections 1702.11, 1702.12, 1702.13, 1702.15 and 1702.18 will be used to determine the initial and continuing applicability of the incidental mining exemption to a particular mining operation. Response is required to obtain and maintain the incidental mining exemption in accordance with Section 1.06(b) of the State Act.

## Section 1702.11 Application Requirements and Procedures

- a)
  - 1) Any person who plans to commence or continue coal extraction after the effective date of this Part in reliance on the incidental mining exemption shall file a complete application for exemption with the Illinois Department of Mines and Minerals (Department) for each mining area.
  - 2) No person may commence coal extraction based upon the exemption until the Department approves such application for exemption, except as provided in 7102.11(e)(3).
- b) Existing operations. Any person who has commenced coal extraction at a mining area in reliance upon the incidental mining exemption prior to the effective date of this Part may continue mining operations for sixty (60) days after such effective date. Coal extraction may not



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continue after such sixty (60) day period unless that person files an administratively complete application for exemption with the Department. If an administratively complete application is filed within sixty (60) days, the person may continue extracting coal in reliance on the exemption beyond the sixty (60) day period until the Department makes an administrative decision on such application.

- c) Additional information. The Department shall notify the applicant if the application for exemption is incomplete and may at any time require submittal of additional information.
- d) Public comment period. Written comments or objections to an application for exemption may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application within thirty (30) days after the newspaper notice required by Section 1702.12(i).
- e) Exemption determination.
  - 1) No later than ninety (90) days after the filing of an administratively complete application, the Department shall make a written determination whether, and under what conditions, the persons claiming the exemption are exempt under this Part, and shall notify the applicant and persons submitting comments on the application of the determination and the basis for the determination.
  - 2) The determination of exemption shall be based upon information contained in the application and any other information available to the Department at that time.
  - 3) If the Department fails to provide an applicant with the determination as specified in subsection (e)(1), an applicant who has not begun may commence coal extraction pending a determination on the application unless the Department issues an interim finding, together with reasons therefor, that the applicant may not begin coal extraction.
- f) Administrative hearing.
  - 1) Any adversely affected person may request administrative review of a determination under subsection (e) within thirty (30) days of the notification of such determination in accordance with procedures established under 62 Ill. Adm. Code 1775.11.
  - 2) A petition for administrative hearing filed under 62 Ill. Adm. Code 1775.11 shall not suspend the effect of a determination under Section 1702.11(e).

## Section 1702.12 Contents of Application for Exemption

An application for exemption shall include:

- a) The name and address of the applicant;
- b) A list of the minerals sought to be extracted;
- c) Estimates of annual production of coal and the other minerals within each mining area over the anticipated life of the mining operation;
- d) Estimated annual revenues to be derived from bona fide sales of coal and other minerals to be extracted from the mining area;

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- e) Where coal or the other minerals are to be used rather than sold, estimated annual fair market values at the time of projected use of the coal and other minerals to be extracted from the mining area;
- f) The basis of annual production, revenue, and fair market value estimates;
- g) A description, including county, township if any, and boundaries of the land, or sufficient certainty that the mining areas may be located and distinguished from other mining areas;
- h) An estimate to the nearest acre of the number of acres that will compose the mining area over the anticipated life of the mining operations;
- i) Evidence of publication, in a newspaper of general circulation in the county of the mining area, of a public notice that an application for exemption has been filed with the Department. The public notice must identify the persons claiming the exemption and must contain a description of the proposed operation and its locality that is sufficient for interested persons to identify the operation;
- j) Representative stratigraphic cross-section(s) based on test borings or other information identifying and showing the relative position, approximate thickness and density of the coal and each other mineral to be extracted for commercial use or sale and the relative position and thickness of any material, not classified as other minerals, that will also be extracted during the conduct of mining activities;
- k) A map of appropriate scale which clearly identifies the mining area;
- l) A general description of mining and mineral processing activities for the mining area;
- m) A summary of sales commitments and agreements for future delivery, if any, which the applicant has received for other minerals to be extracted from the mining area, or a description of potential markets for such minerals;
- n) If the other minerals are to be commercially used by the applicant, a description specifying the use;
- o) For operations having extracted coal or other minerals prior to filing an application for exemption, in addition to the information required above, the following information must also be submitted:
  - 1) Any documents the operator has received from the Department documenting its exemption from the requirements of the State Act;
  - 2) The cumulative production of the coal and other minerals from the mining area;
  - 3) Estimated tonnages of stockpiled coal and other minerals; and
- p) Any other information the applicant believes is pertinent to the qualification of the operation as exempt.

## Section 1702.13 Public Availability of Information

- a) Except as provided in Section 1702.13(b), all information submitted to the Department under this Part shall be made immediately available for public inspection and copying at the Department's Springfield and Carterville Land Reclamation Division Offices until at least three (3)



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years after expiration of the period during which the subject mining area is active.

- b) The Department may keep information submitted under this Part confidential if the person submitting it requests in writing, at the time of submission, that it be kept confidential and the information concerns trade secrets or is privileged commercial or financial information of the persons intending to conduct operations under this Part.
- c) Information requested to be held as confidential under Section 1702.13(b) shall not be made publicly available until after notice and opportunity to be heard is afforded persons both seeking and opposing disclosure of the information.

## Section 1702.14 Requirements for Exemption

- a) Activities are exempt from the requirements of the State Act if all of the following are satisfied:

- 1) The cumulative production of coal extracted from the mining area determined annually as described in this Section does not exceed 16 2/3 percent of the total cumulative production of coal and other minerals removed during such period for purposes of bona fide sale or reasonable commercial use.
- 2) Coal is produced from a geological stratum lying above or immediately below the deepest stratum from which other minerals are extracted for purposes of bona fide sale or reasonable commercial use.

- 3) The cumulative revenue derived from the coal extracted from the mining area determined annually shall not exceed fifty (50) percent of the total cumulative revenue derived from the coal and other minerals removed for purposes of bona fide sale or reasonable commercial use. If the coal extracted or the minerals removed are used by the operator or transferred to a related entity for use instead of being sold in a bona fide sale, then the fair market value of the coal or other minerals shall be calculated at the time of use or transfer and shall be considered rather than revenue.

- b) Persons seeking or that have obtained an exemption from the requirements of the State Act shall comply with the following:

- 1) Each other mineral upon which an exemption under this Part is based must be a commercially valuable mineral for which a market exists or which is mined in bona fide anticipation that a market will exist for the mineral in the reasonably foreseeable future, not to exceed twelve (12) months from the end of the current period for which cumulative production is calculated. A legally binding agreement for the future sale of other minerals is sufficient to demonstrate the above standard.
- 2) If either coal or other minerals are transferred or sold by the operator to a related entity for its use or sale, the transaction must be made for legitimate business purposes.

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## Section 1702.15 Conditions of Exemption and Right of Inspection and Entry

- a) A person conducting activities covered by this Part shall:

- 1) Maintain on-site or at other locations available to authorized representatives of the Department or the Secretary of the Interior (Secretary) information necessary to verify the exemption including, but not limited to, commercial use and sales information, extraction tonnages, and a copy of the exemption application and exemption approved by the Department;
- 2) Notify the Department upon the completion of the mining operation or permanent cessation of all coal extraction activities; and
- 3) Conduct operations in accordance with the approved application or when authorized to extract coal under Section 1702.11(b) or Section 1702.11(e)(3) prior to submittal or approval of an exemption application, in accordance with the standards of this Part.

- b) Authorized representatives of the Department or the Secretary shall have the right to conduct inspections of operations claiming exemption under this Part.

- c) Each authorized representative of the Department or the Secretary conducting an inspection under this Part:

- 1) Shall have a right of entry to, upon, and through any mining and reclamation operations without advance notice or a search warrant, upon presentation of appropriate credentials;
  - 2) May, at reasonable times and without delay, have access to and copy any records relevant to the exemption; and
  - 3) Shall have a right to gather physical and photographic evidence to document conditions, practices or violations at a site.
- d) No search warrant shall be required with respect to any activity under Section 1702.15(b) and (c), unless otherwise required by the Criminal Code of 1961. (Ill. Rev. Stat. 1989, ch. 38, pars. 108-1 et seq.)

## Section 1702.16 Stockpiling of Minerals

- a) Coal. Coal extracted and stockpiled may be excluded from the calculation of cumulative production until the time of its sale, transfer to a related entity or use:

- 1) Up to an amount equaling a 12-month supply of the coal required for future sale, transfer or use as calculated based upon the average annual sales, transfer and use from the mining area over the two preceding years; or
- 2) For a mining area where coal has been extracted for a period of less than two years, up to an amount that would represent a 12-month supply of the coal required for future sales, transfer or use as calculated based on the average amount of coal sold, transferred or used each month.

- b) Other minerals.

- 1) The Department shall disallow all or part of an operator's tonnages of stockpiled other minerals for purposes of meeting the



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requirements of this Part if the operator fails to maintain adequate and verifiable records of the mining area of origin or the disposition of stockpiles, or if the disposition of the stockpiles indicates the lack of commercial use or market for the minerals.

- 2) The Department may only allow an operator to utilize tonnages of stockpiled other minerals for purposes of meeting the requirements of this Part if:
  - A) The stockpiling is necessary to meet market conditions or is consistent with generally accepted industry practices; and
  - B) Except as provided in Section 1702.16(b)(3), the stockpiled other minerals do not exceed the 12-month supply of the mineral required for future sales as approved by the Department on the basis of the exemption application.

- 3) The Department may allow an operator to utilize tonnages of stockpiled other minerals beyond the 12-month limit established in Section 1702.16(b)(2) if the operator can demonstrate to the Department's satisfaction that the additional tonnage is required to meet future business obligations of the operator, such as may be demonstrated by a legally binding agreement for future delivery of the minerals.

- 4) The Department may periodically revise the other mineral stockpile tonnage limits in accordance with the criteria established by Sections 1702.16(b)(2) and (3) based on additional information available to the Department.

## Section 1702.17 Revocation and Enforcement

- a) Department responsibility. The Department shall conduct an annual compliance review of the mining area, utilizing the annual report submitted pursuant to Section 1702.18, an on-site inspection and any other information available to the Department.
- b) If the Department has reason to believe that a specific mining area was not exempt under the provisions of this Part at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the Department shall notify the operator that the exemption may be revoked unless the operator demonstrates to the Department within thirty (30) days that the mining area in question should continue to be exempt.
- c) Exemption revocation.
  - 1) If the Department finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the Department shall revoke the exemption and immediately notify the operator and any person having an interest which is or may be adversely affected by the revocation and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d). If a decision is made not to revoke an exemption, the Department shall immediately notify the operator and any person having an interest

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which is or maybe adversely affected by the decision.

- 2) Any person having an interest which is or may be adversely affected may request administrative hearing of a decision whether to revoke an exemption within thirty (30) days of the notification of such decision in accordance with procedures established under 62 Ill. Adm. Code 1775.11.
- 3) A petition for administrative hearing filed under Section 1775.11 shall not suspend the effect of a decision whether to revoke an exemption.

## d) Direct enforcement.

- 1) An operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the regulatory program which occurred prior to the revocation of the exemption.
- 2) An operator who does not conduct activities in accordance with the terms of an approved exemption shall be subject to direct enforcement action for violations of the regulatory program which occur during the period of such activities.
- 3) Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit is obtained and shall comply with the reclamation standards of 62 Ill. Adm. Code 1800-1850 with regard to conditions, areas and activities existing at the time of revocation or denial.

## Section 1702.18 Reporting Requirements

## a) Written report.

- 1) Following approval by the Department of an exemption for a mining area, the person receiving the exemption shall, for each mining area, file a written report annually with the Department containing the information specified in Section 1708.18(b).

- 2) The report shall be filed no later than thirty (30) days after the end of the 12-month period as determined in accordance with the definition of "cumulative measurement period" in Section 1702.5.

## 3) The information in the report shall cover:

- A) Annual production of coal and other minerals and annual revenue derived from coal and other minerals during the preceding 12-month period, and
- B) The cumulative production of coal and other minerals and the cumulative revenue derived from coal and other minerals during each period and mining area covered by the report, the report shall specify:
  - 1) The number of tons of extracted coal sold in bona fide sales and total revenue derived from such sales;
  - 2) The number of tons of coal extracted and used or transferred by the operator or related entity and the estimated total fair market value of such coal;
  - 3) The number of tons of coal stockpiled;



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- 4) The number of tons of other commercially valuable minerals extracted and sold in bona fide sales and total revenue derived from such sales;
- 5) The number of tons of other commercially valuable minerals extracted and used or transferred by the operator or related entity and the estimated total fair market value of such minerals; and
- 6) The number of tons of other commercially valuable minerals removed and stockpiled by the operator.

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- 1) The Heading of the Part: General
- 2) Code Citation: 62 Ill. Adm. Code 1700
- 3) Section Number: Adopted Action:  
1700.11 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register: February 1, 1991; 15 Ill. Reg. 1235
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions: None
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?  
No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

Pursuant to 30 CFR 732.17, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department letters dated February 7, 1990, April 24, 1990 and November 2, 1991 setting forth those state regulations that must be amended in order to be consistent with current federal counterpart regulations. The amendments to



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Illinois' regulations serve to address the concerns set forth in OSMRE's letters and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1700:

Section 1700.11 establishes when the Department's permanent regulatory program is applicable to surface coal mining and reclamation operations and coal exploration operations. The adopted amendments of Section 1700.11 enhance clarity and serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 700.11.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:

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## TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1700  
GENERAL

## Section

- 1700.11 Applicability
- 1700.12 Petitions to Initiate Rulemaking
- 1700.13 Notice of Citizen Suits
- 1700.14 Availability of Records
- 1700.15 Computation of Time
- 1700.16 Fees and Forfeitures
- 1700.17 Administration
- 1700.18 Advisory Council on Reclamation

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9347; amended at 11 Ill. Reg. 8051, effective July 1, 1987; amended at 14 Ill. Reg. 11795, effective January 1, 1991; amended at 15 Ill. Reg. 17136, effective January 1, 1992.

## Section 1700.11 Applicability

a) This Part The requirements of 62 Ill. Adm. Code 1700-1850 applies apply to all coal exploration and surface coal mining and reclamation operations, except:

- 1) The extraction of coal by a landowner or lessee for the landowner's or lessee's own noncommercial use from land owned or leased by him or her where two hundred and fifty (250) tons or less of coal are removed in any twelve (12) consecutive months. Noncommercial use does not include the extraction of coal by one (1) unit of an integrated company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;
- 2) The extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent (16 2/3%) of the total mineral tonnage mined for purposes of commercial use or sale in accordance with 62 Ill. Adm. Code 1702.---(Section 1-06-of-the-Surface-Coal-Mining-and-Reclamation-Act)---(Rev.---1987---ch---96-1/2---par-7901-06(b));
- 3) Coal exploration on lands subject to the requirements of 43 CFR 3480-3487 (1989); and
- 4) The extraction of coal on Federal lands except to the extent provided under a cooperative agreement with the United States.



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Section 1.06 of the Surface Coal Mining Land Conservation and Reclamation Act) (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.06(d)).

- b) The Illinois Department of Mines and Minerals (Department) shall, within sixty (60) days of a request from any person who intends to conduct surface coal mining operations, make a written determination whether the operation is exempt under subsection (a). The Department shall, within thirty (30) days of receipt of a request for exemption under subsection (a), publish notice of the request in a newspaper of general circulation in the area of the proposed exempted operation and send the request to interagency members. Prior to the time a determination is made, any person may submit, and the Department shall consider, any written information relevant to the determination. A person requesting that an operation be declared exempt shall have the burden of establishing the exemption. If a written determination of exemption is reversed through subsequent administrative or judicial action, any person who has made a complete and accurate request for an exemption and relied upon the determination shall not be cited for violations which occurred prior to the date of the reversal.

c) The requirements of 62 Ill. Adm. Code 1800 through 1850 (the permanent program regulations) apply to all surface coal mining and reclamation operations for which the surface coal mining operation is required to obtain a permit under the Surface Coal Mining Land Conservation and Reclamation Act (the State Act) (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) on and after February 1, 1983. 62 Ill. Adm. Code 1815 and 1840 through 1846 apply to both coal exploration operations and surface coal mining and reclamation operations regardless of whether a permit is required, except as otherwise specified in those rules.

- d) Existing structures

1) Each structure used in connection with a coal exploration or surface coal mining and reclamation operations shall comply with the performance standards and the design requirements of the permanent program regulations except that:

- A) The Department shall exempt an existing structure which meets the performance standards of the permanent program regulations but does not meet the design requirements of the permanent program regulations from meeting those design requirements. The Department shall grant this exemption as part of the permit application process after both obtaining the information 62 Ill. Adm. Code 1780.12 or 1784.12 require and after the Department makes the findings required in 62 Ill. Adm. Code 1773.15(c)(6); and

- B) If a performance standard in 62 Ill. Adm. Code 280 (interim program regulations) is at least as stringent as the comparable performance standard of the permanent program regulations, an existing structure which meets the performance standards of the interim program regulations shall be exempted by the Department from meeting the design

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requirements of the permanent program regulations. The Department will grant this exemption as part of the permit application process after obtaining the information 62 Ill. Adm. Code 1780.12 or 1784.12 require and after the Department makes the findings required in 62 Ill. Adm. Code 1773.15(c)(6).

- 2) The exemptions provided in subsections (d)(1)(A) and (d)(1)(B) shall not apply to:

- A) The requirements for existing and new waste piles used either temporarily or permanently as dams or embankments; and
- B) The requirements to restore the approximate original contour of the land.

- 3) The permittee shall modify or reconstruct an existing structure which meets a performance standard of the interim program regulations which is incompatible with the permanent program regulations to meet the design standard of the permanent program regulations, pursuant to 62 Ill. Adm. Code 1773.15(c)(6), 1780.12 and 1784.12.

- 4) The permittee shall modify or reconstruct an existing structure which does not meet the performance standards of the interim program regulations and which the applicant proposes to use in connection with a coal exploration or surface coal mining and reclamation operation to meet the design standards of the permanent program regulations prior to issuance of the permit.

e) Effective dates

- 1) Any person conducting coal exploration on or after February 1, 1983, shall either file a notice of intention to explore or obtain approval of the Department, as required by 62 Ill. Adm. Code 1772.

- 2) Coal exploration performance standards in 62 Ill. Adm. Code 1815 apply after August 3, 1982.

(Source: Amended at 15 Ill. Reg. 17136, effective January 1, 1992)



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- 1) The Heading of the Part: General Definitions
- 2) Code Citation: 62 Ill. Adm. Code 1701
- 3) Section Number: Adopted Action:  
1701. Appendix A Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register: February 1, 1991; 15 Ill. Reg. 1242
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposal and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate.

The following changes were made based upon comments received:

Under the definition of "soil horizons", the word "sequum" is left as is rather than being changed to "sequim" as originally proposed.

Under the definition of "approximate original contour", the word "compliments" is changed to "complements."

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

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- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

On September 20, 1989, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department a letter identifying a series of Illinois regulations that must be amended in order to become consistent with current Federal regulations, pursuant to 30 CFR 732.17. The amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directive.

The following discussion describes the adopted amendments of Part 1701:

Section 1701. Appendix A sets forth the Department's general definitions for its regulatory program. Defining "road" in the adopted amendments serves to make the Department's requirements consistent with the definitions in OSMRE's counterpart regulation, 30 CFR 701.5.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

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The full text of Adopted Amendments begin on the next page:



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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1701

## GENERAL DEFINITIONS

## Section

1701.5 Definitions

## APPENDIX A Definitions

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991; amended at 15 Ill. Reg. 17141, effective January 1, 1992.

## Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code 1700 - 1850, the following terms have the specified meanings, except when another meaning is given:

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid - forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87. (30 U.S.C. 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

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"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, and spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.03(a)(2)).

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an article of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids



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in excess of requirements set by 62 Ill. Adm. Code 1816.42; and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-84 found at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards published by the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

"Coal exploration" means the field gathering of:

surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or  
the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 - 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated

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with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:  
the proposed operation;  
all existing operations;  
any operation for which a permit application has been submitted to the Department.



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"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Mines and Minerals, or its successor.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversion" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highwall and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means any person employed by the Department who performs any function or duty under the Act; and advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

"Ephemeral stream" means a stream which meets both requirements: It flows only in direct response to precipitation in the

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immediate watershed or in response to the melting of a cover of snow and ice; and  
It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

"Final cut" means the last pit created in a surface-mined area.

"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7907.01) and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.



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"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

"High capability land" means land not meeting the definition of prime farmland or land exempted in accordance with 62 Ill. Adm. Code 1785.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five (5) percent or less), as set forth in Land- Capability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and the optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

Lands that have been used for cropland for any five (5) years or

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more out of the ten (10) years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five (5)-year-in-ten (10) criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and paleontological sites, National Historic Landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time



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necessary for abatement. Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.03(a)(7)).

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor children, or other resident relatives hold a financial interest.

"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Institute" means the Department of Energy and Natural Resources or such other agency as designated by the Director in accordance with Section 7.03 of the State Act.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

A stream or reach of a stream that drains a watershed of at least one (1) square mile; or  
A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment in violation of the State Act or these regulations that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premining capabilities based on the United States Department of Agriculture, Soil Conservation Service classification system as found in Agriculture Handbook No. 210, Land-Capability Classification, (published in 1973) as interpreted

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from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products.

"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Developed water resources includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.



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"Mining operations or surface coal mining operations" means both surface mining operations and underground mining operations. Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1987<sup>2</sup>, ch. 96 1/2, par. 7901.03(a)(11)).

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at one hundred and five degrees (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law (Ill. Rev. Stat. 1987<sup>9</sup>, ch. 5, pars. 951 et seq.); any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law (Ill. Rev. Stat. 1987<sup>9</sup>, ch. 5, pars. 401 et seq.); or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act. (Ill. Rev. Stat. 1987<sup>9</sup>, ch. 5, pars. 801 et seq.)

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation. Office means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than two hundred and fifty (250) tons of coal from the earth or from coal refuse piles by mining within twelve (12) consecutive calendar months in any one location.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

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"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in these regulations as the shadow area.

"Permit term" means the period during which the permittee may engage in mining and reclamation operations under the permit. Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1987<sup>9</sup>, ch. 96 1/2, par. 7901.03(a)(18)).



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"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any publicly-owned utility or publicly-owned corporation of Federal, State or local government.

"Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:

Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department; or whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August 3, 1977.

"Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

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"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

"Public road" means a road

which has been designated as a public road pursuant to the law of the jurisdiction in which it is located;

which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction;

for which there is substantial (more than incidental) public use; and

which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of The Illinois Professional Engineering Act. (Ill. Rev. Stat. 1989, ch. 111, par. 5112).

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach



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the zone of saturation.

"Reclamation" means those actions which these regulations require to restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten (10)-year, twenty-four (24)-hour precipitation event would be that twenty-four (24)-hour precipitation event expected to occur on the average once in ten (10) years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by Department - approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional director" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1986). 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

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"Road" means a surface right-of-way for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations including impacts of subsidence.

"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

Is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act. (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7908.06(c)).

An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will



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meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v: 5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from the underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 19879, ch. 96 1/2, pars. 7901.01 et seq.)

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"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"Steep slope" means any slope of more than twenty (20) degrees or such lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations", or "mining operations" means:

Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation



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for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site, provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed sixteen and two-thirds (16 2/3) per centum of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in subsection (a) occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, coal recovery from coal waste disposal areas, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and the areas on which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities. Section 1.03(a)(24) of the

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Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.03(a)(24)).

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means two thousand (2000) pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas



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utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

*"Underground mining operations" means the underground excavation of coal; and*

*surface operations incident to the underground extraction of coal, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas on which are sited support facilities including hoist and ventilation ducts, areas used for the storage and disposal of waste, and areas on which materials incident to underground mining operations are placed; and*

*underground operations incident to underground excavation of coal, such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, or blasting. Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 19879, ch. 96 1/2, par. 7901.03(a)(26)).*

*"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of the operator's permit or any requirement of the State Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the State due to indifference, lack of diligence, or lack of reasonable care. Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 19879, ch. 96 1/2, par. 7901.03(a)(27)).*

*"Valid existing rights" means:*

Except for haul roads, that a person possesses valid existing rights for an area protected under Section 7.01 of the State Act (Ill. Rev. Stat. 19879, ch. 96 1/2, par. 7907.01) on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article 1, Section 15 of the Illinois Constitution of 1970 or both.

For haul roads

A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977; or at the time of the designation of an area, as to which a conflict

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is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of the coming into existence, within the prohibited distance, of a structure, road, cemetery, or other activity listed in Section 7.01 of the State Act, or

Any other road in existence as of August 3, 1977. or at the time of the designation of an area as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of coming into existence, within the prohibited distance of a structure, road, cemetery or other activity listed in Section 7.01 of the State Act.

Where an area comes under the protection of Section 7.01 of the State Act after August 3, 1977, valid existing right shall be found if:

On the date the protection comes into existence, a validly authorized surface coal mine operation exists on that area; or

The prohibition caused by Section 7.01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article 1, Section 15 of the Illinois Constitution of 1970 or both.

Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking, upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"Valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than twenty (20) degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

"Violation notice" means any notification, by letter, memorandum, legal or administrative pleading, or other written communication, from a governmental entity, telling of a violation of law.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.



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"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at 15 Ill. Reg. 17141, effective January 1, 1992)

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1) The Heading of the Part: Permanent Program Performance Standards--Surface Mining Activities

2) Code Citation: 62 Ill. Adm. Code 1816

3) Section Numbers:

1816.49  
1816.68  
1816.84  
1816.111  
1816.116  
1816.117  
1816.150  
1816.151  
1816.APPENDIX A

Adopted Action:

Amended  
Amended  
Amended  
Amended  
Amended  
Amended  
New Section  
Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act?

Yes. The Joint Committee on Administrative Rules (JCAR) issued its certification of approval of such incorporation by reference on March 19, 1991; a copy thereof accompanies this rulemaking.

8) Date filed in agency's principal office: November 19, 1991

9) Date Notice of Proposed Amendments published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1266

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references and subsection headings have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division



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and JCAR.

The following changes were made based upon comments received:

Section 1816.49(a) is revised by deleting proposed subsection (a)(4) and revising subsection (a)(3) as follows:

3) Stability.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

The remainder of Section 1816.49(a) is renumbered to account for the deletion of proposed subsection (a)(4) and revision of subsection (a)(3).

Proposed subsection (a)(6)(A), which is renumbered to subsection (a)(5)(A) after the above revisions, is revised as follows in order to be consistent with 30 CFR 816.49(a)(5)(i):

5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

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Section 1816.49(a)(11)(B) is renumbered to Section 1816.49(a)(10)(B) and revised to read as follows:

Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

Section 1816.84(b)(2) is revised by adding the word "the" before the word "Department."

Section 1816.116(a)(2)(D) is revised to read as follows:

Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

Section 1816.116(a)(2)(D) is revised by adding after subsection (iv) the following paragraph:

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

Section 1816.116(a)(2)(E) is revised by adding after subsection (iv) the following paragraph:

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

The last sentence of Section 1816.116(a)(3)(E) is revised to read as



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follows:

On high capability land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.

The second sentence of Section 1816.117(a)(1) is revised by adding the words "or later" to the end of the sentence.

The word "gullies" is changed to "gullies" throughout Part 1816 of the rules.

Section 1816.117(d)(3) is revised to read as follows:

A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

Section 1816.117(d)(6) is revised to read as follows:

If the vegetative ground cover is adequate to control erosion, i.e. absence of rills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful, provided the average ground cover is 70% or greater.

The second sentence of Section 1816.151(a) is revised to read as follows:

The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report.

Section 1816.151(b) is revised to read as follows:

b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices.

Section 1816. Appendix A is revised to read as follows:

## Section 1816. APPENDIX A Agricultural Lands Productivity Formula

## SOIL MASTER FILE

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The Soil Master File of the Agricultural Lands Productivity Formula contains a comprehensive list of the soil mapping units currently recorded in Illinois. The Soil Master File provides the soil mapping unit number, common mapping name, and the high level of management yields for corn, soybeans, wheat, oats and mixed hay. The Soil Master File is created annually by the Illinois Department of Agriculture, pursuant to Ill. Rev. Stat. 1989, ch. 127, par. 40.38.

Additional components of the Soil Master File are as follows:

1. County number - identifies soils unique to a county. County number also distinguishes between soils with the same name in different counties but with unique soil properties and yields. County numbers are identified in Section 1816. Table C County Numbering System.
2. Variance code - physical conditions which would cause similar soil types to produce radically different yields. Variance code is explained in Section 1816. Table B Soil Variance Code.
3. Switch code - identifies a point at which a particular soil at a given slope and/or erosion category becomes either a new soil, a complex soil or moves from a favorable to unfavorable subsoil. The alphanumeric switch code is the new slope and erosion code.
4. Subsoil type - either #1 favorable, or #2 unfavorable subsoil condition. Percent of adjustment that will be applied to both the high management yield in subsoil conditions provided in Section 1816. Table A - Subsoil Adjustments.
5. Slope and erosion - this category provides adjusted high management yields for slope and erosion groups for each soil series for each crop in the Agricultural Lands Productivity Formula.

## COUNTY CROPPED ACREAGE FILE

The Agricultural Lands Productivity Formula requires that the number of cropped acres by soil mapping unit be calculated for each county. These calculations are generated by computer using the following formula:

$$\begin{array}{rcl} \text{Total acres per} & & \text{percent of} \\ \text{soil type per} & \times & \text{total acreage} \\ \text{county} & & \text{cropped} \end{array} = \begin{array}{r} \text{acres per} \\ \text{soil type} \\ \text{cropped} \end{array}$$

The percent of total acreage cropped per soil type will be provided by County Soil and Water Conservation Districts. Any changes to these figures must be approved by the County Soil and Water Conservation District Board



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with a certified copy of all changes submitted by August 15 of each year to the Illinois Department of Agriculture.

The County Cropped Acreage File reflects the total acres of each soil type per county, percent of acreage cropped, and the computed figure of total cropped acres by soil type in each county. The "total cropped acres" figures are carried forward to the County Average Yield File. The County Cropped Acreage File is created annually by the Illinois Department of Agriculture, pursuant to Ill. Rev. Stat. 1989, ch. 127, par. 40.38.

## COUNTY AVERAGE YIELD FILE

The next procedure of the Agricultural Lands Productivity Formula is to equate annual county crop yield data to the soils derived in the "County Cropped Acreage File". Section 1816.116(a) and the following paragraphs summarize the procedure for calculating the crop yield for each soil mapping unit.

Column A reflects the soil mapping units as they appear on a county by county basis.

Column B is the number of acres cropped in a county per soil type as recorded in the County Cropped Acreage File. These cropped acreage figures are then added together to give a total number of acres cropped for the county.

Column C is the percent of the acreage represented by each soil type when compared with the total in Column B (Column B = total acres in soil mapping unit times the percent of acres cropped in the county by mapping unit).

The number of acres planted in grain (Column D) is calculated by multiplying the percent of each soil mapping unit in the county (Column C) by the total acres in the county harvested for corn, soybeans, wheat, oats, and mixed hay. (See asterisk in Section 1816.116(a).) The purpose of this calculation is to estimate the number of acres harvested from each of the particular soil mapping units. It is assumed that 25% of the total corn, soybean, wheat, oat and mixed hay acreage was planted on that particular soil mapping unit. Therefore, the "grain acres" are distributed on the soil mapping units based upon the percent of acres in each soil mapping unit.

Column E is the adjusted yield information for each crop which comes from the Soil Master File.

Column F is a derived high management production (Figure) obtained by multiplying the figures in Column D times the figures in Column E. This production figure will normally exceed actual production because the high

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level management yield is used. The purpose of using the high management production is to derive a weighted average high management yield; which is, the total high management production (Column F) divided by the total grain acres in the county (Column D). The weighted high management yield figure will be used to derive a "factor" as described below:

$$\text{Factor} = \frac{\text{Official County Crop Yield}}{\text{Weighted High Management Yield}}$$

Column G results from the multiplication of the above factor times the high level management yield of each soil mapping unit (Column E). The result is a yield which represents the average yield in either bushels per acre or tons per acre in the county for that year and crop.

PERMIT SPECIFICS  
YIELD STANDARD

After completing calculations for the projected yield of the test year in question, a yield standard for each permit area must be calculated. The yield standard, which is also applicable to high capability standards of Section 1816.116(a)(3)(C) will be calculated in the following manner:

The number of prime farmland acres in each soil mapping unit will be divided by the total prime farmland acres in the mine permit area to obtain a weighted proportion for each soil type. The weighted proportion of each prime farmland soil mapping unit in the permit area, relative to the total prime farmland acres in the permit area, will be multiplied times the projected yield for the pre-mining soil types. The weighted final yield for each prime farmland soil type in a mining permit area will be added together and the total becomes the yield requirement for the permit area.

AGRICULTURAL LANDS PRODUCTIVITY FORMULA  
SAMPLING METHOD

The sampling methodology that the Illinois Department of Agriculture or the Illinois Department of Mines and Minerals will use to gather the data needed to determine if productivity has been returned to reclaimed mine land is summarized below for corn, soybeans, wheat, oats, sorghum, and mixed hay.

This sampling methodology requires an operator to submit by February 15 of each year, a scale drawing or aerial photo delineating specific field boundaries and type of crop which is to be sampled for proof of productivity for the current crop year. Each scale drawing and photo submitted shall include a field numbering scheme and the total acreage for each field on which sampling is being requested. In addition, the scaled drawing shall be no less than 1 inch equals 500 feet (1:500) or greater than 1 inch equals 100 feet (1:100). The February 15 annual submittal may



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be amended by the operator until July 15. Each such amendment shall contain a written explanation of changes from the original submittal and an aerial photograph or scaled drawing reflecting the corrected sampling submittal.

The determination of sample points within a specific field will be made on the basis of a grid overlay scheme with the location of sample points on the grid randomly generated by computer. An intentional bias of fifty feet (50') will be introduced to all field boundaries to remove the potential that sampling points may fall in turn around areas, or areas where contiguous soil reconstruction may cause field boundaries to not be indicative of whole field productivity.

The minimum acceptable number of samples to be taken relative to field size is shown in Section 1816, Table D sample points per crop acres, with fields of four acres or less to be sampled in their entirety with yields determined by harvest weight. Sample selections will take place using the following guidelines.

The Illinois Department of Agriculture may elect to increase the minimum number of acceptable sample points per field acres. Some factors which will be considered in determining whether to increase the number of sample points are as follows, but not limited to:

1. Operator requests additional sample points for specific fields.
2. The use of different hybrids in one field.
3. Contour changes within one field which would alter a yield.
4. A coefficient of variation greater than 15%.

The Department shall request the operator to verify yields by harvest weight (e.g., scale tickets) for reasons, including but not limited to:

1. Verification of random sampling results.
2. Availability of sample enumerators.
3. Backlog of sample processing at the IDOA lab.

In each such case, the certified harvest yield adjusted, to optimum moisture content, will become the comparison yield for the Agricultural Lands Productivity Formula target yield.

## CORN SAMPLING TECHNIQUE

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

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Step 3 - After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest corn stalk to the toe of your shoe. Measure 15 feet of the corn row starting at the first stake and placing a second stake at the 15 foot mark.

Step 4 - Determine the 3rd and 4th ears of the first row starting with the first stalk of corn. Tag these ears with a rubber band. If there are less than four ears in the first row, the last ear and the next to last ear should be tagged. In the case where a stalk has more than one ear, count the top ear first. (Note: An ear of corn is defined as a cob having at least one kernel. The tagged ears will be used to determine the moisture content, and at least 250 grams of grain are needed. If it does not appear that the 3rd and 4th ears will supply 250 grams of grain for a moisture test, then the 5th, 6th and/or 7th ear should be included until at least 250 grams of corn is collected).

Step 5 - Husk all ears in Row 1 within the fifteen foot segment of the sample. Husk the ears and snap the shank off as cleanly as possible. Be sure to include any ears tagged for moisture testing.

Step 6 - Weigh the husked ears using a balance scale - obtain field weight in pounds.

Step 7 - After weighing, put ears tagged for moisture testing into polyethylene bags and seal. Mark the bag with the appropriate field number (as supplied by the mine operator), and sample identification number.

Step 8 - Measure on a perpendicular line from the stalks in row one (1) to the stalks in row five (5). Divide this measured distance by four (4) to determine the average row width.

Step 9 - Repeat Steps 3 through 8 for each additional random sampling point coordinate.

Step 10 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of corn samples. Gross yield is determined by deducting the adjustment for moisture content of shelled



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corn from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield} = \frac{A \times B \times C}{D} \times \frac{E \times F}{\text{Per Acre (bu/ac)}}$$

Where: A = Field weight of husked ears of corn from 15 feet of row x 2 (2 Rows x 15 feet)

B = Weight of shelled grain at time of moisture test

C = Percent moisture in grain corrected to 15.5%

$$= 1.0 - \left( \frac{\% \text{moisture in grain}}{100} \right) \times .845$$

D = Weight of ears of Corn used for moisture determination

E = Row Factor

Area or percent of Acre 30" = 0.001722

Sampled with 30 feet of 36" = 0.002066

Row (2 rows x 15 feet) 38" = 0.002181

40" = 0.002295

and .845 = The standard moisture content conversion factor of corn per bushel (1.0 - (15.5% / 100))

F = Weight of standard bushel of corn = 56 lbs.

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

SOYBEAN SAMPLING TECHNIQUE  
DRILLED OR PLANTED BEANS (>8" rows)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual locations.

Step 3 - After taking the last of the required paces to the first sampling point, mark the closest plant to the toe of your foot. Place a flag at the point that you have just marked. From the point of this flag, and in the direction of travel from where the last pace was counted, measure a distance of six feet of plant row and place a flag at the six foot mark. Starting from the row just identified, measure the distance across five rows. This distance, from row one to row five, divided by four row spaces gives the average row width.

Step 4 - Strip all the soybean pods from all the plants in the 6 foot sample row. Pick up any loose pods or beans found on the ground at the base of these plants. Deposit all the pods, beans and blank pods, into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is less than the 250 grams needed for the moisture test, sufficient grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by deducting the adjustment of moisture content of the soybean sample from the harvest weight. Moisture content determinations will be made by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\begin{aligned} \text{Gross Yield} &= \frac{A \times B}{C \times D \times E} \\ \text{Per Acre} & \\ \text{(bu/acre)} & \end{aligned}$$



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Where: A = Weight of shelled grain from 6 feet of row

B = Percent moisture in grain corrected to 12.5%

=  $(1.0 - (\% \text{ moisture in shelled beans}/100\%))$   
0.875

C = Number of grams per pound = 453.6

D = Correction factor for row spacing on drilled  
or planted beans

=  $\frac{\text{Average row width in ft} \times 6 \text{ ft of row}}{43560 \text{ sq ft/acre}}$

E = Standard weight of 1 bushel of soybeans = 60 lbs

After calculation of the gross yield, the statewide Harvest Loss as calculated by the Illinois Agricultural Statistics Service will be subtracted from the gross yield to obtain a net yield per sample. Harvest loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

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SOYBEAN SAMPLING TECHNIQUE  
DRILLED OR PLANTED (<8" rows)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 3.0 foot sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. (Note: If at any time the point of a line is restricted by a soybean plant, slide the soybean frame toward the starting point far enough for the point of the line to clear the plant.) Repeat this procedure to lay out the other two sides of the sampling square, using the opposite corner of the original frame position to find the other two sides.

Step 4 - Strip all the soybean pods from all the plants in the 9 square feet sampling area. Pick up any loose pods or beans found on the ground. Deposit all the pods, beans and blank pods into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by



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deducting the adjustment for moisture content of the soybean sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{D} \quad (\text{bu/acre})$$

Where: A = Total weight of all beans in 9 sq. ft. grid (in grams)

$$B = \text{Conversion factor} = \frac{43560 \text{ sq. ft./ac.}}{453.6 \text{ gms/lb} \times 60 \text{ lbs/bu} \times 9 \text{ sq. ft.}}$$

$$C = 1.0 - (\% \text{ moisture in shelled beans}/100\%)$$

$$D = .875 = \text{The standard moisture content conversion factor of soybeans per bushel } (1.0 - (12.5\%/100\%)).$$

After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

## WHEAT SAMPLING TECHNIQUES

(ROWS < 8 INCHES)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 foot sample lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the

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sampling square using the opposite corner of the original frame position to find the other two sides.

Step 4 - Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content. Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{D} \quad (\text{bu/acre})$$

Where: A = Sample wt. of wheat in grams

$$B = 1.0 - (\% \text{ moisture in grain}/100\%)$$

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times 3.24 \text{ sq. ft.})}$$

$$= .4940 \text{ bu/gm acre}$$

D = .880 = The standard moisture content conversion factor



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of wheat per bushel (1.0 - (12%/100%))

After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

WHEAT SAMPLING TECHNIQUES  
(Discernible Rows)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 feet sample lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. Repeat this procedure to lay out the other two rows to be sampled. (Total 3 rows) Note: The row spacing will be determined by measuring across 5 row spaces to obtain an average (i.e. the distance in row 1 to 5 / 4).

Step 4 - Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis.

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(Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{D} \quad (\text{bu/acre})$$

Where: A = Sample wt. of wheat in grams

B = 1.0-(% moisture in grain/100%)

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times \text{no. of rows harvested} \times 1.8 \text{ ft} \times \text{average row spacing (ft)})}$$

D = .880 = The standard moisture content conversion factor of wheat per bushel (1.0 - (12%/100%)).

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

OATS SAMPLING TECHNIQUE  
(ROWS <8")

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.



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Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the sampling square using the opposite corner of the original frame position to find the other two sides.

Step 4 - Clip all oat heads from within the square outlined by the sampling frame. The oat heads should be clipped approximately 1/2 inch below the bottom of the head.

Deposit all the collected oat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of oat samples. Gross yield is determined by deducting the adjustment for moisture content of the oat sample from the harvest weight. Moisture content of the grain samples will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre (bu/acre)} = \frac{A \times B \times C}{D}$$

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Where: A = Sample weight of oats in grams

B = 1.0 - (% moisture in grain/100%)

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(32 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times 3.24 \text{ sq. ft.})}$$

= .9262 bu/gm acre

D = .850 = The standard moisture content conversion factor of oats per bushel (1.0 - (15%/100%))

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

OATS SAMPLING TECHNIQUE  
(Discernible Rows)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two rows to be sampled. Note: The row spacing will be determined by measuring across 5 row spaces to obtain an average (i.e. the distance in row 1 to 5 / 4).

Step 4 - Clip all oat heads from within the square outlined by the sampling frame. The oat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected oat heads into a paper sample



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sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of oat samples. Gross yield is determined by deducting the adjustment for moisture content of the oat sample from the harvest weight. Moisture content of the grain samples will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{D} \text{ (bu/acre)}$$

Where: A = Sample weight of oats in grams.

B = 1.0-(% moisture in grain/100%)

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(32 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times \text{number of rows harvested} \times 1.8 \text{ ft.} \times \text{average row spacing (ft.)})}$$

D = .850 = The standard moisture content conversion factor of oats per bushel (1.0-(15%/100%))

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for

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proof of productivity.

## SORGHUM SAMPLING TECHNIQUE

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

Step 3 - After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest sorghum plant to the toe of your shoe. Measure ten (10) feet of the plant row starting at the first stake and placing a second stake at the ten (10) foot mark. Mark the first five (5) heads and the last five (5) heads with rubber bands. These heads will be used for moisture determination. One sample unit will equal one (1) ten (10) foot sorghum row section.

Step 4 - Clip all grain heads in Row 1 within the ten (10) foot segment of the sample unit.

Step 5 - Weigh the clipped grain heads using a balance scale - obtain field weight to the nearest tenth (0.1) of a pound. Place any grain heads collected for moisture determination into sealed polyethylene bags. Mark the bags with the appropriate field number (as supplied by the mine operator), and sample identification number.

Step 6 - Measure on a perpendicular line from the plants in row one (1) to the plants in row five (5). Divide this measured distance by four (4) to determine the average row width.

Step 7 - Repeat Steps 3 through 6 for each additional random sampling point coordinate.

Step 8 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of sorghum samples. Gross yield is determined by deducting the adjustment for moisture content of the threshed grain from the harvest weight. Moisture content of the grain samples will be made by lab analysis.



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Gross Yield = Harvest Weight adjusted for moisture content  
Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield (bu/ac)} = \frac{(A \times B \times C) / D}{(E \times F)}$$

Where:

A = Field weight of grain heads of sorghum from ten (10) feet of row x 2 (2 rows x 10 feet)

B = Weight of threshed grain at time of moisture test

C = Percent moisture in grain corrected to 13.0%

$$= 1.0 - (\% \text{ moisture in grain} / 100\%)$$

.870

D = Weight of grain head and seeds used for moisture determination

E = Row factor  
Area or percent of Acre  
Sampled with 20 feet  
of Row (2 rows x 10 feet)  
28" = .001070  
30" = .001148  
36" = .001377  
38" = .001455  
40" = .001529

F = 56 lbs (weight of standard bushel of sorghum)

and .870 = The standard moisture content conversion factor of sorghum per bushel (1.0 -.130)

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

## MIXED HAY SAMPLING TECHNIQUE

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame perpendicular to the toe of your shoe, where applicable, crossing crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 3 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the sampling square using the opposite corner of the original frame position to locate the other two sides. In all cases, the layout of the sample area shall be consistent for each randomly identified sample point.

Step 4 - Clip all hay stalks from within the square outlined by the sampling frame. The hay stalks should be uniformly clipped to an approximate height of two (2) inches above ground level.

Step 5 - Quarter the collected sample and seal in a suitable poly bag sample container. Mark the sample container with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample container to prevent any sample loss. (Note: It is important when sampling hay that collected samples be chilled and transported in a container capable of sustaining the chilled condition. Hay deteriorates when allowed to heat up.)

Step 6 - Repeat Steps 3 and 4 for each additional random sampling point coordinate.

Step 7 - Send or deliver to the Illinois Department of Agriculture any hay sample collected for moisture analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

\* If a field moisture meter is used, steps 5 and 7 shall be eliminated and the following explanations for items A and D will be substituted.

A. Dry matter weight = harvest weight - percent moisture content determined by field moisture tests.

D. Percent moisture in hay at time of harvest determined by field moisture test.



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The following method will be used for determination of gross yield of mixed hay samples. Gross yield is determined by deducting the adjustment for moisture content of the mixed hay sample from the harvest weight. Moisture content of mixed hay samples will be determined by lab analysis.

Gross Yield = Harvest weight adjusted for moisture content

$$\text{Gross Yield Per Acre} = \frac{(A \times D)}{(C \times B \times E)} \text{ (Tons/Acre)}$$

- Where:
- A = Field weight or harvested weight of mixed hay in pounds
  - B = Plot size (sq. ft./43560 sq. ft./ac.) or number of acres.
  - C = Conversion factor from lbs. to tons (i.e., 1 ton = 2000 pounds)
  - D = Dry matter content of harvested hay = (100% - % moisture in hay)
  - E = Dry matter content of hay standard = 100% - 15%

The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity. The annual harvest will be determined by the cumulative yields of each cutting.

HAY SAMPLING  
BALED OR GREEN CHOPPED HAY

To be assured that sampling results are reliable, it is necessary to obtain accurate bale counts, accurate weights, and accurate moisture readings. Reading and following the instructions for the equipment that has been provided will for the most part insure correct interpretation of weights and moisture meter results. Acreage figures will be developed and verified by the Illinois Department of Agriculture. Verification of bale count is an area to be further elaborated on.

Depending on the use of the hay, an enumerator may be dealing with large round bales, small square bales or wagons of green chopped hay. In the case of large round bales, the enumerator need not be present during the baling of all of the product. If the operator provides a bale count for each field, the enumerator must provide a verification of the count. This can be done by physically visiting the field during baling and taking a bale count to compare with the count that will be provided by the operator. The verification of count can also be done by visiting the field and

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recording the counter number prior to baling, and then again reading the meter when each field is finished. It is not necessary to observe all of the baling. If an operator has multiple fields to pull weight samples from he may wish to do this on a single day to make his operation run in a more efficient manner. This is perfectly acceptable. The enumerator may identify sample bales just prior to weighing, and perform moisture and temperature tests at that time. Random verification of bale counts will discourage any impropriety on the part of the operator, and eliminate the need for constant observation.

This procedure will also work well for weighing and counting wagons of green chopped hay. The enumerator should perform random verification of truck weights and collect weight tickets for each field.

The operator should be reminded to provide the exact number of trucks coming from each field and the weight of each truck. Random verification of truck counts for individual fields is also encouraged. This will make a good comparison for the information received from the operator.

CORN

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	8
40 - 279 acres	12
280 - 639 acres	16
640 acres or more	28

SOYBEANS

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	10
40 - 279 acres	12
280 - 639 acres	16
640 acres or more	26

WHEAT - OATS

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	6
40 - 279 acres	8
280 - 639 acres	10
640 acres or more	14



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SORGHUM

Size of Bond  
Release Field

4 - 39 acres  
40 - 279 acres  
280 - 639 acres  
640 acres or more

Minimum Number  
of Samples

10  
16  
28  
40

MIXED HAY

Size of Bond  
Release Field

4 - 39 acres  
40 - 279 acres  
280 - 639 acres  
640 acres or more

Minimum Number  
of Samples

5  
10  
20

640 acres or more requires one (1) sample for each additional 35 acres

SPECIAL PROBLEMS IN SAMPLE LAYOUT

1. It is possible for a sample grid coordinate to fall on areas within the field boundary which were not planted to crops (i.e., grass waterway, roadway, etc.) When this situation occurs, stop the pace count at the start of such an area and resume the count on the other side of the area.
2. If a blank area is crossed which was planted to crops, the pace count should be continued through this area. Usually such areas are due to poor germination, insects, standing water, etc. (if the sample area falls in this planted area which is blank, then a zero yield is established).
3. If a sample coordinate falls partly in a blank area which was not planted for harvest, move the sample area ahead until it is wholly on acreage planted to the crop being sampled. The sample point should begin one pace from the edge of the blank area.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

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14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

On August 29, 1990, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE), by final rule, instructed the Department to submit amendments designed to correct defects identified in Illinois' rules. See 55 Fed. Reg. 35301 (August 29, 1990). On September 20, 1989, OSMRE sent the Department a letter identifying a series of Illinois regulations that must be amended in order to become consistent with current federal regulations, pursuant to 30 CFR 732.17. The amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments to Part 1816:

Section 1816.49 sets forth the Department's performance standards for temporary and permanent impoundments constructed to facilitate surface coal mining operations. The amendments to subsections (a)(3) and (5) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 816.49(a)(3) and (5). The amendment to Section 1816.49(a)(11)(B) addresses Illinois' topography and mining conditions as such conditions relate to impoundment safety and exemption from examination requirements.

Section 1816.68 sets forth the Department's requirements for compiling and maintaining records of blasting operations. The amendments to subsection (a) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 816.68.

Section 1816.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The amendments to subsections (b)(2) and (f) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 816.84.

Section 1816.111 establishes general requirements for vegetation. The amendment to subsection (b)(1) corrects a clerical error. The amendments to subsection (b)(5) correct statutory citations.

Section 1816.116 sets forth the Department's requirements for revegetation success standards. New subsections (a)(2)(D) and (E) define the extent to which rill and gully repairs will be considered nonaugmentative. The amendments are in response to OSMRE's September 20, 1989 directive to the Department.



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The amendment to subsection (a)(3) establishes a method for evaluating revegetation success of ground cover. The amendment to subsection (a)(3)(C) specifies that for revegetation success purposes, measurements may not be taken on cropland during the first year of the responsibility period. These amendments are in response to OSMRE's September 20, 1989 directive. The amendment to subsection (a)(3)(D) changes "stocking" to "population" in order to enhance clarity and avoid confusion.

The first amendment to subsection (a)(3)(E) specifies that for revegetation success purposes, measurements may not be taken on pasture and/or hayland or grazing land during the first year of the responsibility period. The amendment is in response to OSMRE's September 20, 1989 directive to the Department. The new last sentence of subsection (a)(3)(E) allows the permittee one attempt at substituting corn for hay production on high capability land. This amendment maximizes land use management alternatives.

The amendment to subsection (a)(4)(D) limits the use of wheat crops for revegetation success purposes to one year. Limiting wheat crop usage to one year serves to assure that full restoration of prime farmland cropland occurs, as wheat crops do not fully utilize the entire root zone, nor do they grow during moisture deficit years. Thus, although wheat is typically grown on reclaimed areas, it does not reveal the productive capability for all crops and is therefore being limited to one year's usage.

The amendment to subsection (b)(2) changes the deadline date for reclamation activity report submittals to coincide with a related submittal required under Section 1816.116(a)(4).

Section 1816.117 sets forth the Department's revegetation requirements for tree and shrub vegetation. The terminology changes in subsection (a) from "stocking" to "population" or "vegetation" enhance clarity and avoid confusion.

The amendment to subsection (a)(1) requires that for revegetation success purposes, survival counts be taken during the last year of the five year responsibility period. Such counts could previously have been taken in the third year of the five year responsibility period. The amendment is in response to OSMRE's September 20, 1989 directive to the Department. The amendment to subsection (a)(3) responds to OSMRE's September 20, 1989 directive by making clear that ground cover is not required on impervious structures only.

New subsection (a)(5) defines what are considered normal husbandry and conservation practices in accordance with OSMRE's September 20, 1989 directive. The terminology changes in subsections (b) and (c) enhance

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clarity and avoid confusion. The amendment to subsection (c)(2) corrects a typographical error.

New subsection (d) establishes a technique for measuring the vegetative success of ground cover in accordance with OSMRE's September 20, 1989 directive to the Department.

Section 1816.150 sets forth the Department's requirements for the protection of roads. The rewrite of Section 1816.150 establishes classification criteria for mine roads, performance standards that operators must meet when locating, designing, constructing, reconstructing, using, maintaining and reclaiming roads associated with surface coal mining operations, environmental protection criteria for the design, construction and reconstruction of roads, and requirements for the location and maintenance of roads associated with surface coal mining operations. The rewrite of Section 1816.150 serves to bring Illinois' regulations into conformance with OSMRE's counterpart regulation, 30 CFR 816.150.

New Section 1816.151 establishes performance standards for primary roads in addition to those contained at Section 1816.150. Specifically, Section 1816.151 establishes performance standards relating to primary road construction and reconstruction, safety factor, location, drainage control and surfacing. New Section 1816.151 serves to make the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 816.151.

Section 1816.151 Appendix A contains the Agricultural Lands Productivity Formula (ALPF), which is used in determining the success of revegetation of post-mining land for row-crop purposes. The amendments to Section 1816.151 Appendix A serve to make the ALPF accurate.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

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The full text of Adopted Amendments begin on the next page:



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CHAPTER I: DEPARTMENT OF MINES AND MINERALS  
TITLE 62: MINING

## PART 1816

## PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section	Water Quality Standards and Effluent Limitations
1816.11	Signs and Markers
1816.13	Casing and Sealing of Drilled Holes: General Requirements
1816.14	Casing and Sealing of Drilled Holes: Temporary
1816.15	Casing and Sealing of Drilled Holes: Permanent
1816.21	Topsoil: General Requirements (Repealed)
1816.22	Topsoil and Subsoil
1816.23	Topsoil: Storage (Repealed)
1816.24	Topsoil: Redistribution (Repealed)
1816.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1816.41	Hydrologic Balance Protection
1816.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1816.43	Diversions
1816.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1816.45	Hydrologic Balance: Sediment Control Measures
1816.46	Hydrologic Balance: Siltation Structures
1816.47	Hydrologic Balance: Discharge of Structures
1816.48	Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)
1816.49	Impoundments
1816.50	Hydrologic Balance: Ground Water Protection (Repealed)
1816.51	Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)
1816.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1816.53	Hydrologic Balance: Transfer of Wells (Repealed)
1816.54	Hydrologic Balance: Water Rights and Replacement (Repealed)
1816.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1816.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities
1816.57	Hydrologic Balance: Stream Buffer Zones
1816.59	Coal Recovery
1816.61	Use of Explosives: General Requirements
1816.62	Use of Explosives: Pre-Blasting Survey
1816.64	Use of Explosives: Public Notice of Blasting Schedule
1816.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1816.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1816.67	Use of Explosives: Control of Adverse Effects
1816.68	Use of Explosives: Records of Blasting Operations
1816.71	Disposal of Excess Spoil: General Requirements
1816.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills
1816.73	Disposal of Excess Spoil: Head-Of-Hollow Fills (Repealed)

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1816.74	Disposal of Excess Spoil: Durable Rock Fills
1816.75	Disposal of Excess Spoil: Preexisting Benches
1816.79	Protection of Underground Mining
1816.81	Coal Mine Waste: General Requirements
1816.82	Coal Processing Waste Banks: Site Inspection (Repealed)
1816.83	Coal Mine Waste: Refuse Piles
1816.84	Coal Mine Waste: Impounding Structures
1816.85	Coal Processing Waste Banks: Construction Requirements (Repealed)
1816.86	Coal Processing Waste: Burning (Repealed)
1816.87	Coal Mine Waste: Burned Waste Utilization
1816.88	Coal Processing Waste: Return to Underground Workings (Repealed)
1816.89	Disposal of Noncoal Mine Wastes
1816.91	Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
1816.92	Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
1816.93	Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
1816.94	Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)
1816.95	Stabilization of Surface Areas
1816.97	Protection of Fish, Wildlife, and Related Environmental Values
1816.99	Slides and Other Damage
1816.100	Contemporaneous Reclamation
1816.101	Backfilling and Grading: General Requirements
1816.102	Backfilling and Grading: General Grading Requirements
1816.103	Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)
1816.104	Backfilling and Grading: Thin Overburden
1816.105	Backfilling and Grading: Thick Overburden
1816.106	Backfilling and Grading: Previously Mined Areas
1816.107	Backfilling and Grading: Steep Slopes
1816.111	Revegetation: General Requirements
1816.112	Revegetation: Use of Introduced Species (Repealed)
1816.113	Revegetation: Timing
1816.114	Revegetation: Mulching and Other Soil Stabilizing Practices
1816.115	Revegetation: Grazing (Repealed)
1816.116	Revegetation: Standards for Success
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1816.150	Roads: General
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APPENDIX A	Agricultural Lands Productivity Formula
EXHIBIT A	County Crop Yields by Soil Mapping Unit



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TABLE A	Subsoil Adjustments
TABLE B	Soil Variance Codes
TABLE C	County Numbering System
TABLE D	Sample Points Per Crop Acres
TABLE E	Soil Master Files
TABLE F	County Cropped Acreage File

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992.

## Section 1816.49 Impoundments

- a) The requirements of this subsection apply to both temporary and permanent impoundments.

1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

3) Impoundments shall have a minimum static safety factor of 1.5 for the normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.2.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not meeting the size or other criteria of 30

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CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

5) Foundations.

A) Foundations and abutments for the an impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed in order to determine the design requirements for foundation stability during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the



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Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least weekly during construction and upon completion of construction. The qualified registered professional engineer shall submit to the Department within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection, following approval by the Department:

A) Impoundments that are completely incised;  
B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; and provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to

approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

1) The size and configuration of the impoundment is adequate for its intended purposes.

2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.

3) The water level will be sufficiently stable and be capable of supporting the intended use.

4) Final grading will provide for adequate safety and access for proposed water users.

5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

6) The impoundment will be suitable for the approved post-mining land use.

7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

8) Embankment ponds, those having embankment heights of three (3)



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feet or greater above natural ground elevation, shall have outcrops of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil and type.

- 10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or  
B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

## c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

- 2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or  
B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained

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flows are not expected.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992.)

## Section 1816.68 Use of Explosives: Records of Blasting Operations

- a) A record of each blast, including seismograph reports, shall be retained by the operator for at least three (3) years and shall be available for inspection by the Department and the public on request. The record is to be completed by the end of the work day following the day in which the blast occurred, including the seismograph meter reading, if available, and shall contain the following data:

- 1) Name of the operator conducting the blast;
- 2) Location, date, and time of blast;
- 3) Name, signature, and certification number of the blaster conducting the blast;
- 4) The name of the owner or resident of, and the direction and distance, in feet, to the nearest dwelling, school, church, or commercial, or institutional building either:
  - A) Not located in the permit area; or
  - B) Not owned by the person who conducts the surface mining activities.

- 5) Type of material blasted;
- 6) Number of holes, burden, and spacing;
- 7) Diameter and depth of holes;
- 8) Types of explosives used;
- 9) Total weight of explosives used;
- 10) Weight of explosives used per hole;
- 11) Maximum weight of explosives detonated within any eight (8) millisecond period;
- 12) Maximum number of holes or decks detonated within any eight (8) millisecond period;
- 13) Initiation system;
- 14) Type and length of stemming;
- 15) Type of delay detonator and delay periods used;
- 16) Sketch of the delay pattern, including decking;
- 17) Reasons and conditions for each unscheduled blast; and
- 18) Wind velocity and direction; and
- 19) Weather conditions, including those which may cause possible adverse blasting effects.

- b) Air blast and/or ground vibration recordings, or photographic copies thereof, where required, shall be kept at the mine site office for a period of three (3) years following the date of the blast, and shall be available for inspection by the Department and the public on request. The recordings shall include the following:

- 1) Maximum air blast and/or ground vibration levels recorded;
- 2) The exact location of the monitoring equipment, and its distance from the blast, and the date and time of the recording;



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- 3) Name of the person and firm making the recording;
- 4) Name of the person and firm analyzing the recording. The recording shall be signed and dated by the person performing the analysis; and
- 5) The type of instrument, sensitivity, and calibration signal or certification of annual calibration. When the recordings required at Sections 1816.67(c) and 1816.67(g) are produced via digitized systems, the sampling rate of the digitizer, in samples per second, shall be stated.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992)

**Section 1816.84 Coal Mine Waste: Impounding Structures**

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1816.81.

- a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.
- b) Construction Requirements
  - 1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1816.49(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.
  - 2) ~~If an impounding structure constructed of coal mine waste or intended to impound coal mine waste meets the criteria of 30 CFR 77.216(a), the combination of principal and emergency spillways shall be able to safely pass the one hundred (100) year six (6) hour design precipitation event. Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event as specified by the Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.~~
  - c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section

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- d) 1816.47. Inlets shall be protected against blockage.  
Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1816.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.
- e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.
- f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992)

**Section 1816.111 Revegetation: General Requirements**

- a) The permittee shall establish on regraded areas and on all other disturbed areas except areas where vegetative cover is inconsistent with the approved post-mining land use, a vegetative cover that is in accordance with the approved permit and reclamation plan that is:
  - 1) Diverse, effective, and permanent;
  - 2) Comprised of species native to the area, or of introduced species where desirable and necessary to achieve the approved post-mining land use and approved by the Department;
  - 3) At least equal in extent of cover to the natural vegetation of the area; and
  - 4) Capable of stabilizing the soil surface from erosion.
- b) The reestablished plant species shall:
  - 1) Be compatible with the approved post-mining land use;
  - 2) Have the same seasonal characteristics of growth as the original vegetation;
  - 3) Be capable of self-regeneration and plant succession;
  - 4) Be compatible with the plant and animal species of the area; and
  - 5) Meet the requirements of the Illinois Noxious Weed Law (Ill. Rev. Stat. 19859, ch. 5, pars. 951 et seq.), The Illinois Seed Law (Ill. Rev. Stat. 19859, ch. 5, pars. 401 et seq.) and the Illinois Pesticide Act of 1979 (Ill. Rev. Stat. 19859, ch. 5, pars. 801 et seq.)
- c) In order to prevent soil erosion, the Department shall grant an exemption to the requirements of subsections (b)(2) and (b)(3) when the reestablished species will achieve a quick-growing, temporary stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan.
- d) When the Department approved a cropland post-mining land use, the



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permittee shall be exempt from the requirements of subsections (a)(1), (a)(3), (b)(2), and (b)(3). The requirements of 62 Ill. Adm. Code 1823.15 apply to areas identified as prime farmland and those prime farmlands granted an exemption in accordance with 62 Ill. Adm. Code 1785.17(a)(5).

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992)

## Section 1816.116 Revegetation: Standards for Success

- a) Success of Revegetation
- 1) Success of revegetation shall be judged in accordance with Sections 1816.116 and 1816.117.
  - 2) Requirements
    - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
    - B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).
    - C) The Department shall approve selective husbandry practices, excluding augmented seeding, fertilization, or irrigation, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control; and any pruning, reseedling and/or transplanting specifically necessitated by such actions.
- D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
  - ii) the area is small;
  - iii) the erosion is not expected to recur; and
  - iv) the area is stable.

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The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

## BF) Augmentation

- 1) In those cases where a permittee augments any high capability cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C), the permittee shall apply the same or superior augmentation measures to all other high capability lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other high capability areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1816.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the high capability cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.
  - ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(E).
  - iii) If high capability cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond release to ensure the cost of similarly augmenting all other high capability lands, if required, is covered in the remaining bond amount.
- 3) Ground cover and production--or--stocking shall be considered equal to the approved success standard when they are not less



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than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redistributed by surface coal mining operations, shall not be less than the ground cover existing before redistribution, and shall be adequate to control erosion;
- B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4). Crop production shall be considered successful if it is ninety (90) percent of that crop production required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, ~~provided that the first year of the five (5) year responsibility period, during the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading;~~ except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub ~~stocking~~ population and ground cover. The tree and shrub ~~stocking~~ population and ground cover shall meet the standards described in Section 1816.117; and

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- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.) success of revegetation (tons of grasses and/or legumes per acre) shall be determined in accordance with subsection (a)(4). Productivity shall be considered successful if it is ninety (90) percent of the productivity required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, ~~provided that both production--years--do--not--occur--before--the--fourth--year--inclusive~~ except the first year of the five (5) year extended responsibility period. Revegetation success shall also be determined in accordance with Section 1816.117 (a)(2). Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.
- 4) In order to use the Agricultural Lands Productivity Formula, Section 1816.16 Appendix A, to determine success of revegetation, the following shall apply:
  - A) The permittee shall submit annually, by February 15, a one (1) inch equals five hundred (500) feet (1:500) or larger scale drawing or aerial photograph delineating:
    - i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommending the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(ii); and
    - ii) The crop (e.g., hay, wheat, corn, soybeans, sorghum, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year.
  - iii) The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1788-12174.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes.
  - iv) A field is an area of land reclaimed by a single reclamation technique that comprises either high



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capability land or prime farmland or limited capability pasture land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment.

B) Fields identified in subsection (a)(4)(A) to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The sampling method of Section 1816.A shall apply. Soil and water conservation practices approved in the permit application including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of Section 1816.A and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

C) Adjustments for abnormal growing conditions shall be made if such adjustments are certified by a crop adjuster certified to perform adjustments by the Federal Crop Insurance Corporation. At the request of a permittee, the Department of Agriculture shall make arrangements for such an appraisal or adjustment review. Before any such an appraisal or adjustment shall be arranged, the permittee shall file with the Illinois Department of Agriculture an agreement to pay the full cost of any crop adjustment or appraisal so requested.

D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, sorghum, wheat, or oats. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one (1) successful year of corn and if the Department has approved its use a maximum of one (1) successful year each of hay and wheat crops.

b) The person who conducts surface mining activities shall:

1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and

2) Permittees shall submit by January 1 February 15 of each year a

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report of reclamation activities conducted during the previous calendar year using forms provided by the Department. Reclamation activities to be reported include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1991)

### Section 1816.117 Revegetation: Tree and Shrub Vegetation Stocking-for--Forest Land

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub stocking population and vegetative ground cover. Such parameters are described as follows:

1) Trees and shrubs that will be used in determining the success of stocking vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub stocking population shall be considered successful if it meets ~~is--ninety--98~~ is--ninety--98 ~~percent--of--the--stocking the population~~ required in subsection (b) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the last year of the responsibility period or later. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.

2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion.

3) ~~Rock--areas~~ Permanent roads--and--surface--water--drainage--ways, parking lots and similar impervious structures on the revegetated area shall not require stocking the planting of trees and shrubs or herbaceous ground cover.

4) For purposes of this Section, herbaceous species means grasses, legumes and nonleguminous forbs; woody plants means woody shrubs, trees and vines; and ground cover means the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.

5) For purposes of this Section, normal husbandry and conservation



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practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting, and rill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1816.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1816.116(a)(2)(C).

b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum stocking population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses, the area shall have a minimum stocking population of four hundred and fifty (450) trees or shrubs per acre.

c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring success-of-stocking populations is described as follows:

1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.

2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula:

Number of plots equals 2.5 percent multiplied by Sample Area in acres divided by plot size.

4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect

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lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within sixty (60) feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is sixty (60) feet from the boundary of the area to be sampled or the greatest distance possible where sixty (60) feet cannot be achieved.

5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

6) Calculate stocking population levels as follows:

A) Average number of live trees and/or shrubs per plot equals total number of live trees and/or shrubs divided by number of plots; and

B) Number of live trees and/or shrubs per acre equals average number of live trees and/or shrubs per plot multiplied by plot size denominator.

7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

d) Vegetative ground cover shall be measured by the following technique:

1) Twenty (20) random points shall be identified in the area to be tested.

2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to be tested or area not treated with the herbicide.

3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

4) Ground cover shall be determined to be present if any vegetation identified in Section 1816.117(a)(4) is measured at the increment.

5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

6) If the vegetative ground cover is adequate to control erosion, i.e. absence of rills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful, provided the average ground cover is 70% or greater.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992.)

## Section 1816.150 Roads: General

Surface--mining--activities--shall--be--conducted--to--insure--the--construction



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maintenance-and-postmining-conditions-of-roads-into-and-across-the-site-of-operations-will-control-or-prevent-erosion-and-siltation-pollution-of-water-damage-to-fish-and-wildlife-or-their-habitat-or-public-or-private-property.

a) Road classification system.

- 1) Each road, as defined in 62 Ill. Adm. Code 1701. Appendix A, shall be classified as either a primary road or an ancillary road.

- 2) A primary road is any road which is:

- A) Used for transporting coal or spoil;
- B) Frequently used for access or other purposes for a period in excess of six months; or
- C) To be retained for an approved post-mining land use.

- 3) An ancillary road is any road not classified as a primary road, performance standards. Each road shall be located, designed, constructed, reconstructed, used, maintained, and reclaimed so as to:

- 1) Control or prevent erosion, siltation, and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces, by measures such as vegetating, watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;

- 2) Control or prevent damage to fish, wildlife, or their habitat and related environmental values;

- 3) Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

- 4) Neither cause nor contribute to, directly or indirectly, the violation of State or Federal water quality standards applicable to receiving waters;

- 5) Refrain from seriously altering the normal flow of water in streambeds or drainage channels;

- 6) Prevent or control damage to public or private property, including the prevention or mitigation of adverse effects on lands within the boundaries of units of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including designated study rivers, and National Recreation Areas designated by Act of Congress; and

- 7) Use nonacid- and nontoxic-forming substances in road surfacing.

- c) Design and construction limits and establishment of design criteria. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, and culvert size in accordance with current, prudent engineering practices, and any necessary design criteria established by the Department.

- d) Location.

- 1) No part of any road shall be located in the channel of an intermittent or perennial stream unless specifically approved by the Department in accordance with applicable sections of 62 Ill.

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Adm. Code 1816.41 through 1816.43 and 1816.57.  
Roads shall be located to minimize downstream sedimentation and flooding.

e) Maintenance.

- 1) A road shall be maintained to meet the performance standards of this Section in accordance with prudent engineering and maintenance practices.

- 2) A road damaged by a catastrophic event, such as a flood or earthquake, shall be repaired as soon as is practicable after the damage has occurred.

- f) Reclamation. A road not to be retained under an approved post-mining land use shall be reclaimed in accordance with the approved reclamation plan as soon as practicable after it is no longer needed for mining and reclamation operations. This reclamation shall include:

- 1) Closing the road to traffic;

- 2) Removing all bridges and culverts unless approved as part of the post-mining land use;

- 3) Removing or otherwise disposing of road-surfacing materials that are incompatible with the post-mining land use and revegetation requirements;

- 4) Reshaping cut and fill slopes as necessary to be compatible with the post-mining land use and to complement the natural drainage pattern of the surrounding terrain;

- 5) Protecting the natural drainage patterns by installing dikes or cross-drains as necessary to control surface runoff and erosion; and

- 6) Scarifying or ripping the roadbed, replacing topsoil or substitute material, and revegetating disturbed surfaces in accordance with 62 Ill. Adm. Code 1816.22 and 1816.111 through 1816.117.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992.)

Section 1816.151 Primary Roads

Primary roads shall meet the requirements of Section 1816.150 and the additional requirements of this Section.

- a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

- b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of



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safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices.

c)

- 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.
- 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.

d) Drainage control. In accordance with the approved plan:

- 1) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10-year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent engineering practices;
- 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
- 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
- 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
- 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with applicable sections of 62 Ill. Adm. Code 1816.41 through 1816.43 and 1816.57; and
- 6) Except as provided in Section 1816.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.
- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Added at 15 Ill. Reg. 17166, effective January 1, 1992)

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## Section 1816. APPENDIX A Agricultural Lands Productivity Formula

## SOIL MASTER FILE

The Soil Master File of the Agricultural Lands Productivity Formula contains a comprehensive list of the soil mapping units currently recorded in Illinois. The Soil Master File provides the soil mapping unit number, common mapping name, and the high level of management yields for corn, soybeans, wheat, oats and mixed hay. Section 1816. Table B is the Soil Master File. The Soil Master File is created annually by the Illinois Department of Agriculture, pursuant to Ill. Rev. Stat., 1989, ch. 127, par. 40.38.

Additional components of the Soil Master File are as follows:

- 1) County number - identifies soils unique to a county. County number also distinguishes between soils with the same name in different counties but with unique soil properties and yields. County numbers are identified in Section 1816. Table C County Numbering System.
- 2) Variance code - physical conditions which would cause similar soil types to produce radically different yields. Variance code is explained in Section 1816. Table B Soil Variance Code.
- 3) Switch code - identifies a point at which a particular soil at a given slope and/or erosion category becomes either a new soil, a complex soil or moves from a favorable to unfavorable subsoil. The alphanumeric switch code is the new slope and erosion code.
- 4) Subsoil type - either #1 favorable, or #2 unfavorable subsoil condition. Percent of adjustment that will be applied to both the high management yield in subsoil conditions provided in Section 1816. Table A - Subsoil Adjustments.
- 5) Slope and erosion - this category provides adjusted high management yields for slope and erosion groups for each soil series for each crop in the Agricultural Lands Productivity Formula.

## COUNTY CROPPED ACREAGE FILE

The Agricultural Lands Productivity Formula requires that the number of cropped acres by soil mapping unit be calculated for each county. These calculations are generated by computer using the following formula:

$$\begin{array}{rcl} \text{Total acres per} & & \text{percent of} \\ \text{soil type per} & \times & \text{total acreage} \\ \text{county} & & \text{cropped} \end{array} = \begin{array}{rcl} \text{acres per} \\ & & \text{soil type} \\ & & \text{cropped} \end{array}$$



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The percent of total acreage cropped per soil type will be provided by County Soil and Water Conservation Districts. Any changes to these figures must be approved by the County Soil and Water Conservation District Board with a certified copy of all changes submitted by August 15 of each year to the Illinois Department of Agriculture.

Section--1816-Table--F--The County Cropped Acreage File reflects the total acres of each soil type per county, percent of acreage cropped, and the computed figure of total cropped acres by soil type in each county. The "total cropped acres" figures are carried forward to the County Average Yield File. The County Cropped Acreage File is created annually by the Illinois Department of Agriculture, pursuant to Ill. Rev. Stat. 1989, ch. 127, par. 40.38.

COUNTY AVERAGE YIELD FILE

The next procedure of the Agricultural Lands Productivity Formula is to equate annual county crop yield data to the soils derived in the "County Cropped Acreage File". Section 1816-Exhibit A and the following paragraphs summarize the procedure for calculating the crop yield for each soil mapping unit.

Column A reflects the soil mapping units as they appear on a county by county basis.

Column B is the number of acres cropped in a county per soil type as recorded in the County Cropped Acreage File. These cropped acreage figures are then added together to give a total number of acres cropped for the county.

Column C is the percent of the acreage represented by each soil type when compared with the total in Column B (Column B = total acres in soil mapping unit times the percent of acres cropped in the county by mapping unit).

The number of acres planted in grain (Column D) is calculated by multiplying the percent of each soil mapping unit in the county (Column C) by the total acres in the county harvested for corn, soybeans, wheat, oats, and mixed hay. (See asterisk in Section 1816-Exhibit A7.) The purpose of this calculation is to estimate the number of acres harvested from each of the particular soil mapping units. It is assumed that 25% of the total corn, soybean, wheat, oat and mixed hay acreage was planted on that particular soil mapping unit. Therefore, the "grain acres" are distributed on the soil mapping units based upon the percent of acres in each soil mapping unit.

Column E is the adjusted yield information for each crop which comes from the Section--1816-Table--G - Soil Master File.

Column F is a derived high management production (Figure) obtained by multiplying the figures in Column D times the figures in Column E. This production figure will normally exceed actual production because the high level management yield is used. The purpose of using the high management production

is to derive a weighted average high management yield; which is, the total high management production (Column F) divided by the total grain acres in the county (Column D). The weighted high management yield figure will be used to derive a "factor" as described below:

$$\text{Factor} = \frac{\text{Official County Crop Yield}}{\text{Weighted High Management Yield}}$$

Column G results from the multiplication of the above factor times the high level management yield of each soil mapping unit (Column E). The result is a yield which represents the average yield in either bushels per acre or tons per acre in the county for that year and crop.

PERMIT SPECIFICS  
YIELD STANDARD

After completing calculations for the projected yield of the test year in question, a yield standard for each permit area must be calculated. The yield standard, which is also applicable to high capability standards of Section 1816.116(a)(3)(c) will be calculated in the following manner:

The number of prime farmland acres in each soil mapping unit will be divided by the total prime farmland acres in the mine permit area to obtain a weighted proportion for each soil type. The weighted proportion of each prime farmland soil mapping unit in the permit area, relative to the total prime farmland acres in the permit area, will be multiplied times the projected yield for the pre-mining soil types. The weighted final yield for each prime farmland soil type in a mining permit area will be added together and the total becomes the yield requirement for the permit area.

AGRICULTURAL LANDS PRODUCTIVITY FORMULA  
SAMPLING METHOD

The sampling methodology that the Illinois Department of Agriculture or the Illinois Department of Mines and Minerals will use to gather the data needed to determine if productivity has been returned to reclaimed mine land is summarized below for corn, soybeans, wheat, oats, sorghum, and mixed hay.

This sampling methodology requires an operator to submit by February 15 of each year, a scale drawing or aerial photo delineating specific field boundaries and type of crop which is to be sampled for proof of productivity for the current crop year. Each scale drawing and photo submitted shall include a field numbering scheme and the total acreage for each field on which sampling is being requested. In addition, the scaled drawing shall be no less than 1 inch equals 500 feet (1:500) or greater than 1 inch equals 100 feet (1:100). The February 15 annual submittal may be amended by the operator until July 15. Each such amendment shall contain a written explanation of changes from the original submittal and an aerial photograph or scaled drawing reflecting the corrected sampling submittal.



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The determination of sample points within a specific field will be made on the basis of a grid overlay scheme with the location of sample points on the grid randomly generated by computer. An intentional bias of fifty feet (50') will be introduced to all field boundaries to remove the potential that sampling points may fall in turn around areas, or areas where contiguous soil reconstruction may cause field boundaries to not be indicative of whole field productivity.

The minimum acceptable number of samples to be taken relative to field size is shown in Section 1816. Table D sample points per crop acres, with fields of four acres or less to be sampled in their entirety with yields determined by harvest weight. Sample selections will take place using the following guidelines.

The Illinois Department of Agriculture may elect to increase the minimum number of acceptable sample points per field acres. Some factors which will be considered in determining whether to increase the number of sample points are as follows, but not limited to:

1. Operator requests additional sample points for specific fields.
2. The use of different hybrids in one field.
3. Contour changes within one field which would alter a yield.
4. A coefficient of variation greater than 15%.

The Department shall request the operator to verify yields by harvest weight (e.g., scale tickets) for reasons, including but not limited to:

1. Verification of random sampling results.
2. Availability of sample enumerators.
3. Backlog of sample processing at the IDOA lab.

In each such case, the certified harvest yield adjusted, to optimum moisture content, will become the comparison yield for the Agricultural Lands Productivity Formula target yield.

## CORN SAMPLING TECHNIQUE

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

Step 3 - After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest corn stalk to the toe of your shoe. Measure 15 feet of the corn row starting at

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the first stake and placing a second stake at the 15 foot mark. Move to the next adjacent corn row, measure and stake a second 15-foot section in the same manner as the first row. One sample unit will equal two fifteen-foot corn row sections.

Step 4 - Determine the 3rd and 4th ears of the first row starting with the first stalk of corn. Tag these ears with a rubber band. If there are less than four ears in the first row, the last ear and the next to last ear should be tagged. In the case where a stalk has more than one ear, count the top ear first. (Note: An ear of corn is defined as a cob having at least one kernel. The tagged ears will be used to determine the moisture content, and at least 250 grams of grain are need. If it does not appear that the 3rd and 4th ears will supply 250 grams of grain for a moisture test, then the 5th, 6th and/or 7th ear should be included until at least 250 grams of corn is collected.)

Step 5 - Husk all ears in Row 1 within the fifteen foot segment of the sample. Husk the ears and snap the shank off as cleanly as possible. Be sure to include any ears tagged for moisture testing.

Step 6 - Weigh the husked ears using a balance scale - obtain field weight in pounds.

Step 7 - After weighing, put ears tagged for moisture testing into polyethylene bags and seal. Mark the bag with the appropriate field number (as supplied by the mine operator), and sample identification number.

Step 8 - Measure on a perpendicular line from the stalks in row one (1) to the stalks in row five (5). Divide this measured distance by four (4) to determine the average row width.

Step 9 - Repeat Steps 3 through 8 for each additional random sampling point coordinate.

Step 10 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C, etc.)

The following method will be used for determination of gross yield of corn samples. Gross yield is determined by deducting the adjustment for moisture content of shelled corn from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.







and-075--the-standard-moisture-content-conversion-factor  
-----of-soybeans-per-bushel-((1.0-((12.5%/100))  
  
After-calculation--of--the--gross--yield--the--Harvest--Loss--will--be  
subtracted--from--the--gross--yield--to--obtain--a--net--yield--per--sample--  
Harvest--Loss--is--the--difference--between--actual--grain--yield--and--what--is  
hailed--from--a--field--the--net--yield--determinations--for--each--sample--will  
be--averaged--together--to--obtain--a--yield--figure--for--the--entire--field--being  
evaluated--for--proof--of--productivity.

SOYBEAN SAMPLING TECHNIQUE  
DRILLED OR PLANTED BEANS (>8" rows)

- Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.
- Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual locations.
- Step 3 - After taking the last of the required paces to the first sampling point, mark the closest plant to the toe of your foot. Place a flag at the point that you have just marked. From the point of this flag, and in the direction of travel from where the last pace was counted, measure a distance of six feet of plant row and place a flag at the six foot mark. Starting from the row just identified, measure the distance across five rows. This distance, from row one to row five, divided by four row spaces gives the average row width.
- Step 4 - Strip all the soybean pods from all the plants in the 6 foot sample row. Pick up any loose pods or beans found on the ground at the base of these plants. Deposit all the pods, beans and blank pods, into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is too small less than the 250 grams needed for the moisture test, sufficient grain of know moisture content will be added to the sample so that moisture tests can be made.)
- Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.
- Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C, etc.)
- The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by deducting the

adjustment of moisture content of the soybean sample from the harvest weight. Moisture content determinations will be made by the Illinois Cooperative-Crop-Reporting-Service lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.

Included below for reference is the Gross Yield formula and an explanation of its components.

Gross Yield  
Per Acre =  $\frac{A \times B}{C \times D \times E}$   
(bu/acre)

Where: A = Weight of shelled harvested grain from 6 feet of row  
B = Percent moisture in grain corrected to 12.5%  
=  $\frac{(1.0 - (\% \text{ moisture in shelled beans}/100\%))}{0.875}$

C = Number of grams per pound = 453.6  
D = Correction factor for row spacing on drilled or planted beans  
=  $\frac{\text{Average-row-width-across-5-rows-(feet)}}{\text{x-6-feet-of-row}}$   
43560-sq-ft/acre  
Average row width in ft x 6 ft of row  
43560 sq ft/acre

E = Standard weight of 1 bushel of soybeans = 60 lbs

After calculation of the gross yield, the statewide Harvest Loss as calculated by Illinois-Cooperative-Crop-Reporting-Service the Illinois Agricultural Statistics Service will be subtracted from the gross yield to obtain a net yield per sample. Harvest loss is the difference between actual grain yield and what is hauled from a field. The net yield determination for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

SOYBEAN SAMPLING TECHNIQUE  
DRILLED OR PLANTED (<8" rows)

- Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.
- Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.
- Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 3.0 foot sampling



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tines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. (Note: If at any time the point of a line is restricted by a soybean plant, slide the soybean frame toward the starting point far enough for the point of the line to clear the plant.) Repeat this procedure to lay out the other two sides of the sampling square, using the opposite corner of the original frame position to find the other two sides.

Step 4 - Strip all the soybean pods from all the plants in the 9 square feet sampling area. Pick up any loose pods or beans found on the ground. Deposit all the pods, beans and blank pods into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by deducting the adjustment for moisture content of the soybean sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\frac{\text{Gross Yield Per Acre}}{(\text{bu/acre})} = \frac{A \times B \times C}{D}$$

Where: A = Total weight of all beans in 9 sq. ft. grid (in grams)

$$B = \text{Conversion factor} = \frac{43560 \text{ sq. ft./ac.}}{453.6 \text{ gms/lb} \times 60 \text{ lbs/bu} \times 9 \text{ sq. ft.}}$$

C = 1.0 - (% moisture in shelled beans/100%)

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D = .875 = The standard moisture content conversion factor of soybeans per bushel (1.0 - (12.5%/100%)).

After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

**WHEAT SAMPLING TECHNIQUES**  
(ROWS <8 INCHES)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 feet sample tines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the sampling square using the opposite corner of the original frame position to find the other two sides.

Step 4 - Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the approximate appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of



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wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content. Included below for reference is the Gross Yield formula and an explanation of its components.

Gross-yield-----Sample-wt-  
Per-Acre-----of-wheat-----  
bu/ac-----{in-grams}--x-i-0-{%-moisture/100}-x-factor-----conversion  
-880

Where  
the-con-  
version--s-43560-sq-ft/ac-----a--4940-bu/gm  
factor-----60-lbs/bu-x-453.6-gms/lb-x-3.24-sq-ft-----acre  
-----and-.00--s-the-standard-moisture-content-conversion-factor  
of-wheat-per-bushel-{i-0-{12%/100}}:-

Gross Yield Per Acre =  $\frac{A \times B \times C}{D}$   
(bu/acre)

Where: A = Sample wt. of wheat in grams

B = 1.0 - (% moisture in grain/100%)

C = Conversion factor

=  $\frac{43560 \text{ sq. ft./ac}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times 3.24 \text{ sq. ft.})}$   
= .4940 bu/gm acre

D = .880 = The standard moisture content conversion factor of wheat per bushel (1.0 - (12%/100%))

After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

WHEAT SAMPLING TECHNIQUES

(Discernible Rows)

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 foot sample lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. Repeat this procedure to lay out the other two rows to be sampled. (Total 3 rows) Note: The row spacing will be determined by measuring across 5 row spaces to obtain an average (i.e. the distance in row 1 to 5 / 4).

Step 4 - Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

Gross Yield Per Acre =  $\frac{(A \times B \times C)}{D}$   
(bu/acre)

Where: A = Sample wt. of wheat in grams



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Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C, etc.)

The following method will be used for determination of gross yield of oat samples. Gross yield is determined by deducting the adjustment for moisture content of the oat sample from the harvest weight. Moisture content of the grain samples will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content.

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{(\text{bu/acre}) \quad D}$$

Where: A = Sample weight of oats in grams

B = 1.0 - (% moisture in grain/100%)

C = Conversion factor

$$\begin{aligned} &= 43560 \text{ sq. ft./ac} \\ &= (32 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times 3.24 \text{ sq. ft.}) \\ &= .9262 \text{ bu/gm acre} \end{aligned}$$

D = .850 = The standard moisture content conversion factor of oats per bushel (1.0 - (15%/100%))

Gross yield ----- Sample weight  
Per-acre ----- of oats ----- conversion  
bu/ac

Where  
the-con-  
version-a-a--9262  
factor-----32-lbs/bu-x-453.6-gms/lb-x-3.24-sq-ft-----acre

and-.85-- The standard moisture content conversion factor of oats per bushel  
(1.0 - (15%/100%))

After calculation of the gross yield, the statewide Harvest Loss will be

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B = 1.0 - (% moisture in grain/100%)

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times \text{no. of rows harvested} \times 1.8 \text{ ft} \times \text{average row spacing (ft)})}$$

D = .880 = The standard moisture content conversion factor of wheat per bushel (1.0 - (12%/100%)).

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

OATS SAMPLING TECHNIQUE  
(ROWS < 8")

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the sampling square using the opposite corner of the original frame position to find the other two sides.

Step 4 - Clip all oat heads from within the square outlined by the sampling frame. The oat heads should be clipped approximately 1/2 inch below the bottom of the head.

Deposit all the collected oat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)



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subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

OATS SAMPLING TECHNIQUE  
(Discernible Rows)

- Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.
- Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.

- Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the two ends of the sampling frame with stakes just inside the 1.8 foot sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two rows to be sampled. Note: The row spacing will be determined by measuring across 5 row spaces to obtain an average (i.e. the distance in row 1 to 5 / 4).

- Step 4 - Clip all oat heads from within the square outlined by the sampling frame. The oat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected oat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)

- Step 5 - Repeat steps 3 and 4 for each additional random sampling point coordinate.

- Step 6 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)

The following method will be used for determination of gross yield of oat samples. Gross yield is determined by deducting the adjustment for moisture content of the oat sample from the harvest weight.

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Moisture content of the grain samples will be determined by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield Per Acre (bu/acre)} = \frac{A \times B \times C}{D}$$

Where: A = Sample weight of oats in grams.

B = 1.0-(% moisture in grain/100%)

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(32 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times \text{number of rows harvested} \times 1.8 \text{ ft.} \times \text{average row spacing (ft.)})}$$

D = .850 = The standard moisture content conversion factor of oats per bushel (1.0-(15%/100%))

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

## SORGHUM SAMPLING TECHNIQUE

- Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

- Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

- Step 3 - After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest sorghum plant to the toe of your shoe. Measure ten (10) feet of the plant row starting at the first stake and placing a second stake at the ten (10) foot mark. Move--to the next adjacent plant--row--measure--and stake--a second--ten--foot--section--in the same manner--as the--first row-- Mark the first five (5) heads and the last five (5) heads with rubber bands. These heads will be used for moisture determination. One sample unit will equal two--(10) one (1) ten (10) foot sorghum row



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sections.

Step 4 - Clip all grain heads in Row 1 within the ten (10) foot segment of the sample unit.

Step 5 - Weigh the clipped grain heads using a balance scale - obtain field weight to the nearest tenth (0.1) of a pound. Place any grain heads collected for moisture determination into sealed polyethylene bags. Mark the bags with the appropriate field number (as supplied by the mine operator), and sample identification number.

Step 6 - Clip the first five grain heads and the last five grain heads in Row 2 to be used for moisture determination. Place any grain heads collected for moisture determination into sealed polyethylene bags. Mark the bags with the appropriate field number as supplied by the mine operator, and sample identification number.

Step 67 - Measure on a perpendicular line from the plants in row one (1) to the plants in row five (5). Divide this measured distance by four (4) to determine the average row width.

Step 70 - Repeat Steps 3 through 67 for each additional random sampling point coordinate.

Step 89 - Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C7.)

The following method will be used for determination of gross yield of sorghum samples. Gross yield is determined by deducting the adjustment for moisture content of the threshed grain from the harvest weight. Moisture content of the grain samples will be made by lab analysis.

Gross Yield = Harvest Weight adjusted for moisture content:

Included below for reference is the Gross Yield formula and an explanation of its components.

$$\text{Gross Yield (bu/ac)} = \frac{(A \times B \times C) / D}{(E \times F)} \div B \times 56 \text{ lbs/bu}$$

Where: A = Field weight of grain heads of sorghum from ten (10) feet of row x 2 (2 rows x 10 feet);

B = Weight of threshold grain at time of moisture test;

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C = Percent moisture in grain corrected to 13.0%

=  $1.0 - \frac{(\% \text{ moisture in grain content of threshed grain} / 100)}{.870}$

D = Weight of grain head and seeds used for moisture determination;

E = Row Factor  
28" = .001070  
30" = .001148  
36" = .001377  
38" = .001455  
40" = .001529

F = 56 lbs (weight of standard bushel of sorghum)

and .870 = The standard moisture content conversion factor of sorghum per bushel (1.0 - .130);

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

## MIXED HAY SAMPLING TECHNIQUE

Step 1 - Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

Step 2 - Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.

Step 3 - After taking the last of the required paces to the first sampling point, lay down a sampling frame perpendicular to the toe of your shoe, where applicable, crossing crop rows at a right angle. Mark the two ends of the sampling frame with the stakes just inside the 3 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other two sides of the sampling square using the opposite corner of the original frame position to locate the other two sides. In all cases, the layout of the sample area shall be consistent for each randomly identified sample point.

Step 4 - Clip all hay stalks from within the square outlined by the sampling frame. The hay stalks should be uniformly clipped to an approximate



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height of two (2) inches above ground level.

Step 5 - Deposit all of the collected hay sample into a suitable sample sack/container. Mark the sack/container with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack/container to prevent any sample loss. (Note: If the sample weight is too large for handling by lab personnel, the sample weight is too large for handling by lab personnel, the sample may be quartered until an adequate representative sample for moisture testing is obtained. Quarter the collected sample and seal in a suitable poly bag sample container. Mark the sample container with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample container to prevent any sample loss. (Note: It is important when sampling hay that collected samples be chilled and transported in a container capable of sustaining the chilled condition. Hay deteriorates when allowed to heat up.)

Step 6 - Repeat Steps 3 and 4 for each additional random sampling point coordinate.

Step 7 - Send or deliver to the Illinois Department of Agriculture any hay sample collected for moisture analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C, etc.)

\* If a field moisture meter is used, steps 5 and 7 shall be eliminated and the following explanations for items A and D will be substituted.

A. Dry matter weight = harvest weight - percent moisture content determined by field moisture tests.

D. Percent moisture in hay at time of harvest determined by field moisture test.

The following method will be used for determination of gross yield of mixed hay samples. Gross yield is determined by deducting the adjustment for moisture content of the mixed hay sample from the harvest weight. Moisture content of mixed hay samples will be determined by lab analysis.

Gross Yield = Harvest weight adjusted for moisture content

$$\begin{aligned} \text{Gross Yield (Tons/Acre)} &= \frac{\text{Harvest Weight} - (\text{Harvest Weight} \times \text{Moisture Content})}{2000} \\ &= \frac{(A \times D) - (A \times B \times E)}{(A \times D)} \end{aligned}$$

Where: A = Even-dry weight of harvested hay; Field weight or harvested weight of mixed hay in pounds

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B = Sample size (sq. ft./acre) or number of acres

C = Conversion factor from lbs. harvested to tons (i.e., 1 ton = 2000 pounds)

D = Percent moisture in hay at time of harvest

E = Approximate moisture in mixed-baled hay (100% - 15% dry matter content of hay standard = 100% - 15%)

P = a/B x E = 100% - 15% H<sub>2</sub>O in Hay at Time of Harvest

The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity. The annual harvest will be determined by the cumulative yields of each cutting.

HAY SAMPLING  
BALED OR GREEN CHOPPED HAY

To be assured that sampling results are reliable, it is necessary to obtain accurate bale counts, accurate weights, and accurate moisture readings. Reading and following the instructions for the equipment that has been provided will for the most part insure correct interpretation of weights and moisture meter results. Acreage figures will be developed and verified by the Illinois Department of Agriculture. Verification of bale count is an area to be further elaborated on.

Depending on the use of the hay, an enumerator may be dealing with large round bales, small square bales or wagons of green chopped hay. In the case of large round bales, the enumerator need not be present during the baling of all of the product. If the operator provides a bale count for each field, the enumerator must provide a verification of the count. This can be done by physically visiting the field during baling and taking a bale count to compare with the count that will be provided by the operator. The verification of count can also be done by visiting the field and recording the counter number prior to baling, and then again reading the meter when each field is finished. It is not necessary to observe all of the baling. If an operator has multiple fields to pull weight samples from he may wish to do this on a single day to make his operation run in a more efficient manner. This is perfectly acceptable. The enumerator may identify sample bales just prior to weighing, and perform moisture and temperature tests at that time. Random verification of bale counts will discourage any impropriety on the part of the operator, and eliminate the need for constant observation.



This procedure will also work well for weighing and counting wagons of green chopped hay. The enumerator should perform random verification of truck weights and collect weight tickets for each field.

The operator should be reminded to provide the exact number of trucks coming from each field and the weight of each truck. Random verification of truck counts for individual fields is also encouraged. This will make a good comparison for the information received from the operator.

CORN

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	8
40 - 279 acres	12
280 - 639 acres	16
640 acres or more	28

SOYBEANS

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	10
40 - 279 acres	12
280 - 639 acres	16
640 acres or more	26

WHEAT - OATS

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	6
40 - 279 acres	8
280 - 639 acres	10
640 acres or more	14

SORGHUM

Size of Bond Release Field	Minimum Number of Samples
4 - 39 acres	10
40 - 279 acres	16
280 - 639 acres	28
640 acres or more	40

Size of Bond  
Release Field

4 - 39 acres	5
40 - 279 acres	10
280 - 639 acres	20
640 acres or more	requires one (1) sample for each additional 35 acres

Minimum Number  
of Samples

MIXED HAY

SPECIAL PROBLEMS IN SAMPLE LAYOUT

1. It is possible for a sample grid coordinate to fall on areas within the field boundary which were not planted to crops (i.e., grass waterway, roadway, etc.) When this situation occurs, stop the pace count at the start of such an area and resume the count on the other side of the area.
2. If a blank area is crossed which was planted to crops, the pace count should be continued through this area. Usually such areas are due to poor germination, insects, standing water, etc. (if the sample area falls in this planted area which is blank, then a zero yield is established).
3. If a sample coordinate falls partly in a blank area which was not planted for harvest, move the sample area ahead until it is wholly on acreage planted to the crop being sampled. The sample point should begin one pace from the edge of the blank area.

(Source: Amended at 15 Ill. Reg. 17166, effective January 1, 1992)



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- 1) The Heading of the Part: Permanent Program Performance Standards--Underground Mining Operations

- 2) Code Citation: 62 Ill. Adm. Code 1817

- 3) Section Numbers: Adopted Action:

1817.49 Amended  
1817.68 Amended  
1817.84 Amended  
1817.116 Amended  
1817.117 Amended  
1817.150 Amended  
1817.151 New Section

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

- 5) Effective Date of Amendments: January 1, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act?

Yes. The Joint Committee on Administrative Rules (JCAR) issued its certificate of approval of such incorporation by reference on March 19, 1991; a copy thereof accompanies this rulemaking.

- 8) Date filed in agency's principal office: November 19, 1991

- 9) Date Notice of Proposed Amendments published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1314

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references and subsection headings have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and JCAR.

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The following changes were made based upon comments received:

Section 1817.49(a) is revised by deleting proposed subsection (a)(4) and revising subsection (a)(3) as follows:

- 3) Stability.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

The remainder of Section 1817.49(a) is renumbered to account for the deletion of proposed subsection (a)(4) and revision of subsection (a)(3).

Proposed subsection (a)(6)(A), which is renumbered to subsection (a)(5)(A) after the above revisions, is revised as follows in order to be consistent with 30 CFR 817.49(a)(5)(i):

- 5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

Section 1817.49(a)(11)(B) is renumbered to Section 1817.49(a)(10)(B)



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and revised to read as follows:

Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

Section 1817.84(b)(2) is revised by adding the word "the" before the word "Department."

Section 1817.116(a)(2)(D) is revised to read as follows:

Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

Section 1817.116(a)(2)(D) is revised by adding after subsection (iv) the following paragraph:

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

Section 1817.116(a)(2)(E) is revised by adding after subsection (iv) the following paragraph:

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

The last sentence of Section 1817.116(a)(3)(E) is revised to read as follows:

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On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.

The second sentence of Section 1817.117(a)(1) is revised by adding the words "or later" to the end of the sentence.

The word "gullies" is changed to "gullies" throughout Part 1817 of the rules.

Section 1817.117(d)(3) is revised to read as follows:

A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

Section 1817.117(d)(6) is revised to read as follows:

If the vegetative ground cover is adequate to control erosion, i.e. absence of rills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful, provided the average ground cover is 70% or greater.

The second sentence of Section 1817.151(a) is revised to read as follows:

The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report.

Section 1817.151(b) is revised to read as follows:

b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No



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- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

On August 29, 1990, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE), by final rule, instructed the Department to submit amendments designed to correct defects identified in Illinois' rules. See 55 Fed. Reg. 35301 (August 29, 1990). On September 20, 1989, OSMRE sent the Department a letter identifying a series of Illinois regulations that must be amended in order to become consistent with current federal regulations, pursuant to 30 CFR 732.17. The amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments to Part 1817:

Section 1816.49 sets forth the Department's performance standards for temporary and permanent impoundments constructed to facilitate underground coal mining operations. The amendments to subsections (a)(3) and (5) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 817.49(a)(3) and (5). The amendment to Section 1817.49(a)(11)(B) addresses Illinois' topography and mining conditions as such conditions relate to impoundment safety and exemption from examination requirements.

Section 1817.68 sets forth the Department's requirements for compiling and maintaining records of blasting operations. The amendments to subsection (a) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 817.68.

Section 1817.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The amendments to subsections (b)(2) and (f) serve to make the Department's requirements consistent with federal counterpart rules at 30 CFR 817.84.

Section 1817.116 sets forth the Department's requirements for revegetation success standards. New subsections (a)(2)(D) and (E) define the extent to which rill and gully repairs will be considered nonaumentative. The amendments are in response to OSMRE's September 20, 1989 directive to the Department.

The amendment to subsection (a)(3) establishes a method for evaluating revegetation success of ground cover. The amendment to subsection (a)(3)(C) specifies that for revegetation success purposes, measurements may not be taken on cropland during the first year of the responsibility period. These amendments are in response to OSMRE's

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September 20, 1989 directive. The amendment to subsection (a)(3)(D) changes "stocking" to "population" in order to enhance clarity and avoid confusion.

The first amendment to subsection (a)(3)(E) specifies that for revegetation success purposes, measurements may not be taken on pasture and/or hayland or grazing land during the first year of the responsibility period. The amendment is in response to OSMRE's September 20, 1989 directive to the Department. The new last sentence of subsection (a)(3)(E) allows the permittee one attempt at substituting corn for hay production on cropland-capable land. This amendment maximizes land use management alternatives.

The amendment to subsection (b)(2) changes the deadline date for reclamation activity report submittals to coincide with a related submittal required under Section 1817.116(a)(4).

Section 1817.117 sets forth the Department's revegetation requirements for tree and shrub vegetation. The terminology changes in subsection (a) from "stocking" to "population" or "vegetation" enhance clarity and avoid confusion.

The amendment to subsection (a)(1) requires that for revegetation success purposes, survival counts be taken during the last year of the five year responsibility period. Such counts could previously have been taken in the third year of the five year responsibility period. The amendment is in response to OSMRE's September 20, 1989 directive to the Department. The amendment to subsection (a)(3) responds to OSMRE's September 20, 1989 directive by making clear that ground cover is not required on impervious structures only.

New subsection (a)(5) defines what are considered normal husbandry and conservation practices in accordance with OSMRE's September 20, 1989 directive. The terminology changes in subsections (b) and (c) enhance clarity and avoid confusion. The amendment to subsection (c)(2) corrects a typographical error.

New subsection (d) establishes a technique for measuring the revegetative success of ground cover in accordance with OSMRE's September 20, 1989 directive to the Department.

Section 1817.150 sets forth the Department's requirements for the protection of roads. The rewrite of Section 1817.150 establishes classification criteria for mine roads, performance standards that operators must meet when locating, designing, constructing, reconstructing, using, maintaining and reclaiming roads associated with underground coal mining operations, environmental protection criteria for the design, construction and reconstruction of roads, and



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requirements for the location and maintenance of roads associated with underground coal mining operations. The rewrite of Section 1817.150 serves to bring Illinois' regulations into conformance with OSMRE's counterpart regulation, 30 CFR 817.150.

New Section 1817.151 establishes performance standards for primary roads in addition to those contained at Section 1817.150. Specifically, Section 1817.151 establishes performance standards relating to primary road construction and reconstruction, safety factor, location, drainage control and surfacing. New Section 1817.151 serves to make the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 817.151.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

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The full text of Adopted Amendments begin on the next page:

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## TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS--  
UNDERGROUND MINING OPERATIONS

Section	
1817.11	Signs and Markers
1817.13	Casing and Sealing of Exposed Underground Openings: General Requirements
1817.14	Casing and Sealing of Underground Openings: Temporary
1817.15	Casing and Sealing of Underground Openings: Permanent
1817.21	Topsoil: General Requirements (Repealed)
1817.22	Topsoil and Subsoil
1817.23	Topsoil: Storage (Repealed)
1817.24	Topsoil: Redistribution (Repealed)
1817.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41	Hydrologic Balance Protection
1817.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43	Diversions
1817.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45	Hydrologic Balance: Sediment Control Measures
1817.46	Hydrologic Balance: Siltation Structures
1817.47	Hydrologic Balance: Discharge Structures
1817.48	Hydrologic Balance: Acid - Forming and Toxic - Forming Materials (Repealed)
1817.49	Impoundments
1817.50	Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53	Hydrologic Balance: Transfer of Wells (Repealed)
1817.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56	Post - Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57	Hydrologic Balance: Stream Buffer Zones
1817.59	Coal Recovery
1817.61	Use of Explosives: General Requirements
1817.62	Use of Explosives: Pre - Blasting Survey
1817.64	Use of Explosives: General Performance Standards
1817.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1817.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1817.67	Use of Explosives: Control of Adverse Effects
1817.68	Use of Explosives: Records of Blasting Operations
1817.71	Disposal of Excess Spoil: General Requirements
1817.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills
1817.73	Disposal of Underground Development Waste and Excess Spoil:



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1817.74	Head-of-Hollow Fills (Repealed)
1817.75	Disposal of Excess Spoil: Durable Rock Fills
1817.81	Disposal of Excess Spoil: Preexisting Benches
1817.81	Coal Mine Waste: General Requirements
1817.82	Coal Processing Waste Banks: Site Inspection (Repealed)
1817.83	Coal Mine Waste: Refuse Piles
1817.84	Coal Mine Waste: Impounding Structures
1817.85	Coal Processing Waste Banks: Construction Requirements (Repealed)
1817.86	Coal Processing Waste: Burning (Repealed)
1817.87	Coal Mine Waste: Burning and Burned Waste Utilization
1817.88	Coal Processing Waste: Return to Underground Workings (Repealed)
1817.89	Disposal of Noncoal Mine Wastes
1817.91	Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
1817.92	Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
1817.93	Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
1817.94	Coal Processing Waste: Time Requirement for Completion of Covering (Repealed)
1817.95	Stabilization of Surface Areas
1817.97	Protection of Fish, Wildlife and Related Environmental Values
1817.99	Slides and Other Damage
1817.100	Contemporaneous Reclamation and Subsidence Control
1817.101	Backfilling and Grading: General Requirements
1817.102	Backfilling and Grading: General Grading Requirements
1817.103	Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials (Repealed)
1817.106	Backfilling and Grading: Previously Mined Areas
1817.107	Backfilling and Grading: Steep Slopes
1817.111	Revegetation: General Requirements
1817.112	Revegetation: Use of Introduced Species (Repealed)
1817.113	Revegetation: Timing
1817.114	Revegetation: Mulching and Other Soil Stabilization Practices
1817.115	Revegetation: Grazing (Repealed)
1817.116	Revegetation: Standards for Success
1817.117	Revegetation: Tree and Shrub Stocking Vegetation for-forest-band
1817.121	Subsidence Control
1817.122	Subsidence Control: Public Notice
1817.124	Subsidence Control: Surface Owner Protections (Repealed)
1817.126	Subsidence Control: Buffer Zones (Repealed)
1817.131	Cessation of Operations: Temporary
1817.132	Cessation of Operations: Permanent
1817.133	Post - Mining Land Capability
1817.150	Roads: General
1817.151	Primary Roads
1817.180	Utility Installations
1817.181	Support Facilities
1817.182	Minor Underground Mine Facilities Not at or Adjacent to the

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1817.190	Processing or Preparation Facility or Area Affected Acreage Map
AUTHORITY:	Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).
SOURCE:	Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992.

## Section 1817.49 Impoundments

- a) The requirements of this subsection apply to both temporary and permanent impoundments.
- 1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application, insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1784. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.
- 2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.16(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.
- 3) Impoundments shall have a minimum static safety factor of 1.5 for the normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.2.
- 3) Stability.
- A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.2.
- B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have



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a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume.

5) Foundations.

A) Foundations and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed in order to determine the design requirements for foundation stability.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

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B) All other impoundments shall be inspected at least weekly during construction and upon completion of construction. The qualified registered professional engineer shall submit to the Department, within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a) (9) (A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection following approval by the Department:

A) Impoundments that are completely incised;

B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may



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terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes;
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;
- 3) The water level will be sufficiently stable and be capable of supporting the intended use;
- 4) Final grading will provide for adequate safety and access for proposed water users;
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;
- 6) The impoundment will be suitable for the approved post-mining land use;
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.
  - A) Runoff from above the slope shall be diverted to erosion free outlets.
  - B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.
- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have

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outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
- 10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
- B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

## c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

- 2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- (A) Of nonerodible construction and designed to carry sustained flows; or
- (B) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.



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(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

recording shall be signed and dated by the person performing the analysis; and

5) The type of instrument, sensitivity, and calibration signal or certification of annual calibration. When the recordings required at Sections 1817.67(c) and 1817.67(g) are produced via digitized systems, the sampling rate of the digitizer, in samples per second, shall be stated.

(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

**Section 1817.84 Coal Mine Waste: Impounding Structures**

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1817.81.

- a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.

**b) Construction Requirements**

- 1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1817.49(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.
- 2) ~~If an impounding structure is constructed of coal mine waste or intended to impound coal mine waste, it shall meet the criteria of 30 CFR 77.216(a) through (f) and shall be able to safely pass the one-hundred (100) year, six (6) hour design precipitation event. Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event as specified by the Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.~~
- c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section 1817.47. Inlets shall be protected against blockage.
- d) Drainage control. Runoff from areas above the disposal facility or

**Section 1817.68 Use of Explosives: Records of Blasting Operations**

a) A record of each blast, including seismograph reports, shall be retained by the operator for at least three (3) years and shall be available for inspection by the Department and the public on request. The record is to be completed by the end of the work day following the day in which the blast occurred, including the seismograph meter reading, if available, and shall contain the following data:

- 1) Name of the operator conducting the blast;
  - 2) Location, date, and time of blast;
  - 3) Name, signature, and certification number of the blaster conducting the blast;
  - 4) The name of the owner or resident of, and the direction and distance, in feet, to the nearest dwelling, school, church, or commercial, or institutional building either:
    - A) Not located in the permit area; or
    - B) Not owned by the person who conducts the surface mining activities;
  - 5) Type of material blasted;
  - 6) Number of holes, burden, and spacing;
  - 7) Diameter and depth of holes;
  - 8) Types of explosives used;
  - 9) Total weight of explosives used;
  - 10) Weight of explosives used per hole;
  - 11) Maximum weight of explosives detonated within any eight (8) millisecond period;
  - 12) Maximum number of holes or decks detonated within any eight (8) millisecond period;
  - 13) Initiation system;
  - 14) Type and length of stemming;
  - 15) Type of delay detonator and delay periods used;
  - 16) Sketch of the delay pattern, including decking;
  - 17) Reasons and conditions for each unscheduled blast;
  - 18) Wind velocity and direction; and
  - 19) Weather conditions, including those which may cause possible adverse blasting effects.
- b) Air blast and/or ground vibration recordings, or photographic copies thereof, where required, shall be kept at the mine site office for a period of three (3) years following the date of the blast, and shall be available for inspection by the Department and the public on request. The recordings shall include the following:
- 1) Maximum air blast and/or ground vibration levels recorded;
  - 2) The exact location of the monitoring equipment, and its distance from the blast, and the date and time of the recording;
  - 3) Name of the person and firm making the recording;
  - 4) Name of the person and firm analyzing the recording. The



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runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1817.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.

- e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.

- f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

Section 1817.116 **Revegetation: Standards for Success**a) **Success of Revegetation**

- 1) Success of revegetation shall be judged in accordance with Sections 1817.116 and 1817.117.

2) **Requirements**

- A) The period of extended responsibility for successful revegetation shall begin after the last year of argued seeded, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).

- B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved standard set forth in subsection (a)(3).

- C) The Department shall approve selective husbandry practices, excluding augmented seeding, fertilization, or irrigation, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; and any pruning, reseeding and/or transplanting specifically necessitated by such actions.

- D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant

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to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;  
ii) the area is small;  
iii) the erosion is not expected to recur; and  
iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;  
ii) the area is small;  
iii) the erosion is not expected to recur; and  
iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

DE) **Augmentation**

- i) In those cases where a permittee augments any cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C), the permittee shall apply the same or superior augmentation measures to all other lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1817.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.

- ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(E).

- iii) If cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond release to ensure the cost of



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similarly augmenting all other lands, if required, is covered in the remaining bond amount.

- 3) Ground cover and production--or--stocking shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the ground cover existing before redisturbance, and shall be adequate to control erosion;

B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion;

C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1823.116(a)(4). Crop production shall be considered successful if it is ninety (90) percent of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is ninety (90) percent of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, ~~provided-both-crop-years--do-not-occur-before--the fourth-year--(inclusive)~~ except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading;

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D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub stocking populations and ground cover. The tree and shrub stocking population and ground cover shall meet the standards described in Section 1817.117; and

E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) success of revegetation (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Productivity shall be considered successful if it is ninety (90) percent of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, ~~provided-that-both--production--years--do-not-occur before-the-fourth-year--(inclusive)~~ except the first year of the five (5) year extended responsibility period. Revegetation success shall also be determined in accordance with Section 1817.117(a)(2). Production for proof of productivity purposes shall also be determined in accordance with Section 1817.117(a)(2). Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.

4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816.Appendix A, to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.

b) The person who conducts underground mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
- 2) Permittees shall submit by January 1 February 15 of each year a report of reclamation activities conducted during the previous calendar year using forms provided by the Department. Reclamation activities to be reported include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the



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approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

### Section 1817.117 Revegetation: Tree and Shrub Stocking Vegetation for--Forest Land

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub stocking population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of stocking vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub stocking population shall be considered successful if it meets ~~is--ninety--(90)--percent--of--the--stocking~~ the population required in subsection (b) with (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the last year of the responsibility period or later. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.
- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion.

3) ~~Reck--areas~~ Permanent roads and surface-water-drainage-ways, parking lots and similar impervious structures on the revegetated area shall not require stocking the planting of trees and shrubs or herbaceous ground cover.

4) For purposes of this Section, herbaceous species means: grasses, legumes and nonleguminous forbs; woody plants means: woody shrubs, trees and vines; and ground cover means: the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.

5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting and fill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1817.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original

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approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1817.116(a)(2)(C).

b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum stocking population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses, the area shall have a minimum stocking population of four hundred and fifty (450) trees or shrubs per acre.

c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring success-of-stockings populations is described as follows:

- 1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.

2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.7
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula:

Number of Plots equals 2.5 percent multiplied by Sample Area in acres divided by plot size.

4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart thought the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within (60) sixty feet of the boundary of the



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area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is (60) sixty feet from the boundary of the area to be sampled or the greatest distance possible where (60) sixty feet cannot be achieved.

- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

- 6) Calculate stocking population levels as follows:

A) Average number of live trees and/or shrubs per plot equals Total Number of live trees and/or shrubs divided by number of plots; and

B) Number of live trees and/or shrubs per acre equals Average number of live trees and/or shrubs per plot multiplied by plot size denominator.

- 7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

d) Vegetative ground cover shall be measured by the following technique:

- 1) Twenty (20) random points shall be identified in the area to be tested.

2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to be tested or area not treated with the herbicide.

- 3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

4) Ground cover shall be determined to be present if any vegetation identified in Section 1817.117(a)(4) is measured at the increment.

- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

6) If the vegetative ground cover is adequate to control erosion, i.e. absence of rills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful, provided the average ground cover is 70% or greater.

(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

Section 1817.150 Roads: General

Underground--mining--activities--shall-be-conducted-to-insure-the-construction maintenance--and-postmining-conditions-of-roads-into-and-across--the-site-of operations--will--control-or-prevent-erosion-and-siltation--pollution-of-water damage-to-fish-and-wildlife-or-their-habitat--or-public-or-private-property--

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a) Road classification system.

- 1) Each road, as defined in 62 Ill. Adm. Code 1701. Appendix A, shall be classified as either a primary road or an ancillary road.

- 2) A primary road is any road which is:

- A) Used for transporting coal or spoil;  
B) Frequently used for access or other purposes for a period in excess of six months; or

- C) To be retained for an approved post-mining land use.

- 3) An ancillary road is any road not classified as a primary road. Performance standards. Each road shall be located, designed, constructed, reconstructed, used, maintained, and reclaimed so as to:

- 1) Control or prevent erosion, siltation, and the air pollution attendant to erosion, including road dust and dust occurring on other exposed surfaces, by measures such as vegetating, watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;

- 2) Control or prevent damage to fish, wildlife, or their habitat and related environmental values;

- 3) Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

- 4) Neither cause nor contribute to, directly or indirectly, the violation of State or Federal water quality standards applicable to receiving waters;

- 5) Refrain from seriously altering the normal flow of water in streambeds or drainage channels;

- 6) Prevent or control damage to public or private property, including the prevention or mitigation of adverse effects on lands within the boundaries of units of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including designated study rivers, and National Recreation Areas designated by Act of Congress; and

- 7) Use nonacid- and nontoxic-forming substances in road surfacing.

c) Design and construction limits and establishment of design criteria. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, and culvert size in accordance with current, prudent engineering practices, and any necessary design criteria established by the Department.

d) Location.

- 1) No part of any road shall be located in the channel of an intermittent or perennial stream unless specifically approved by the Department in accordance with applicable sections of 62 Ill. Adm. Code 1817.41 through 1817.43 and 1817.57.

- 2) Roads shall be located to minimize downstream sedimentation and flooding.



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## e) Maintenance.

- 1) A road shall be maintained to meet the performance standards of this Section in accordance with prudent engineering and maintenance practices.
- 2) A road damaged by a catastrophic event, such as a flood or earthquake, shall be repaired as soon as is practicable after the damage has occurred.

## f) Reclamation. A road not to be retained under an approved post-mining land use shall be reclaimed in accordance with the approved reclamation plan as soon as practicable after it is no longer needed for mining and reclamation operations. This reclamation shall include:

- 1) Closing the road to traffic;
- 2) Removing all bridges and culverts unless approved as part of the post-mining land use;
- 3) Removing or otherwise disposing of road-surfacing materials that are incompatible with the post-mining land use and revegetation requirements;
- 4) Reshaping cut and fill slopes as necessary to be compatible with the post-mining land use and to complement the natural drainage pattern of the surrounding terrain;
- 5) Protecting the natural drainage patterns by installing dikes or cross-drains as necessary to control surface runoff and erosion; and
- 6) Scarifying or ripping the roadbed, replacing topsoil or substitute material, and revegetating disturbed surfaces in accordance with 62 Ill. Adm. Code 1817.22 and 1817.111 through 1817.117.

(Source: Amended at 15 Ill. Reg. 17239, effective January 1, 1992)

## Section 1817.151 Primary roads

Primary roads shall meet the requirements of Section 1817.150 and the additional requirements of this Section.

- a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.
- b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices.
- c) Location.

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- 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.
- 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.

## d) Drainage control. In accordance with the approved plan:

- 1) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10-year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent engineering practices.
  - 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
  - 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
  - 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
  - 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with applicable sections of 62 Ill. Adm. Code 1817.41 through 1817.43 and 1817.57; and
  - 6) Except as provided in Section 1817.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.
- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Added at 15 Ill. Reg. 17239, effective January 1, 1992)



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## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Permit Applications -- Minimum Requirements for Legal, Financial, Compliance, and Related Information

2) Code Citation: 62 Ill. Adm. Code 1778

3) Section Numbers:  
1778.14  
Adopted Action:  
Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: November 19, 1991

9) Date Notice of Proposed Amendments published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1342

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Pursuant to comments and direction received from the Joint Committee on Administrative Rules (JCAR), the following changes were made:

In Section 1778.14(c), "State" is changed to "state."

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

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On November 2, 1990, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department a letter identifying a series of regulations that must be amended in order to become consistent with current Federal regulations.

The following discussion describes the adopted amendments of Part 1778 in response to OSMRE's directive.

Section 1778.14 sets forth permit application requirements regarding violation information. The first amendment to subsection (c) clarifies that the reference to the Federal Surface Mining Control and Reclamation Act includes all state programs approved thereunder. The second amendment to subsection (c) clarifies that the violation reporting requirements apply only to federal laws or regulations pertaining to air or water environmental protection, rather than every violation of a federal law or regulation. The amendments serve to make Section 1778.14 no less effective than the OSMRE counterpart rule, 30 CFR 778.14.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:



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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1778

## PERMIT APPLICATIONS--MINIMUM REQUIREMENTS

## FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

## Section

- 1778.4 Responsibility (Repealed)
- 1778.11 Applicability (Repealed)
- 1778.13 Identification of Interests
- 1778.14 Violation Information
- 1778.15 Right of Entry Information
- 1778.16 Relationship to Areas Designated Unsuitable for Mining
- 1778.17 Permit Term
- 1778.18 Insurance
- 1778.20 Identification of Location of Public Office for Filing of Application (Repealed)
- 1778.21 Proof of Publication
- 1778.22 Facilities or Structures Used in Common

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9348; amended at 11 Ill. Reg. 8368, effective July 1, 1987; amended at 14 Ill. Reg. 11873, effective January 1, 1991; amended at 15 Ill. Reg. 17265, effective January 1, 1992.

## Section 1778.14 Violation Information

An application shall contain the following:

- a) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:
  - 1) Had a Federal or State coal mining permit suspended or revoked in the last five (5) years preceding the date of submission of the application; or
  - 2) Forfeited a performance bond or similar security deposited in lieu of bond.
- b) If any such suspension, revocation, or forfeiture has occurred, a statement of the facts involved, including:
  - 1) Identification number and date of issuance of the permit and the date and amount of bond or similar security;
  - 2) Identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that action;
  - 3) The current status of the permit, bond, or similar security

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## Involved:

- 4) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and

- 5) The current status of these proceedings.

- c) For any violation of a provision of the Federal Act (Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.), a provision of a state regulatory program approved pursuant to the Federal Act or of any law, rule or regulation of the United States or of any state law--rule--or--regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the lists shall include the following information, as applicable:
  - 1) Any identifying numbers for the operation, including the Federal or State permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department or agency;
  - 2) A brief description of the violation alleged in the notice;
  - 3) The date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in subsection (c) to obtain administrative or judicial review of the violations;
  - 4) The current status of the proceedings and of the violation notice; and
  - 5) The actions, if any, taken by any person identified in subsection (c) to abate the violation.
- d) Information about the applicant's present financial condition which would provide assurance to the Department that no further forfeiture would be expected.
- e) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under this Section. Information submitted as a change shall be evaluated in the same manner as the original application.

(Source: Amended at 15 Ill. Reg. 17265, effective January 1, 1992.)



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- 1) The Heading of the Part: Requirements for Coal Exploration
- 2) Code Citation: 62 Ill. Adm. Code 1772
- 3) Section Number: Adopted Action:  
 1772.11 Amended  
 1772.14 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
 February 1, 1991; 15 Ill. Reg. 1347
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:  
 The following changes were made based upon comments received:  
 In Section 1772.14(a), the second word is changed from "at" to "as."  
 "At" was a typographical error.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?  
 No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

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## NOTICE OF ADOPTED AMENDMENTS

On September 20, 1989, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department a letter identifying a series of regulations that must be amended in order to become consistent with and no less effective than current Federal regulations, pursuant to 30 CFR 732.17. Section 1772.14 was identified by OSMRE as being inconsistent with federal requirements. In addition, Section 1772.11 contained outdated material which the Department is updating in this rulemaking.

The following discussion describes the adopted amendments of Part 1772: Section 1772.11 sets forth notice requirements for exploration removing less than two hundred and fifty (250) tons of coal. The adopted amendments of Section 1772.11(b)(5) serve to update the names of the forms required to be submitted with the notice.

Section 1772.14 sets forth requirements for commercial use or sale of coal. The adopted amendments of Section 1772.14 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 772.14.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
 Department of Mines and Minerals  
 300 West Jefferson, Suite 300 P.O. Box 10197  
 Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:



## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1772  
REQUIREMENTS FOR COAL EXPLORATION

## Section

## 1772.1 Scope and Purpose

1772.1.1 Notice Requirements for Exploration Removing 250 Tons of Coal or Less

1772.1.2 Permit Requirements for Exploration Removing More Than 250 Tons of Coal

## 1772.1.3 Coal Exploration Compliance Duties

## 1772.1.4 Requirements for Commercial Use or Sale

## 1772.1.5 Public Availability of Information

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7905.01, 7905.02, 7905.03 and 7909.01).

SOURCE: Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991; amended at 15 Ill. Reg. 17269, effective January 1, 1992.

## Section 1772.1.1 Notice Requirements for Exploration Removing 250 Tons of Coal or Less

- a) Any person who intends to conduct coal exploration operations outside the permit area during which less than two hundred and fifty (250) tons of coal will be removed shall prior to conducting the exploration, file with the Illinois Department of Mines and Minerals (Department) a written notice of intention to explore.

b) The notice shall include:

- 1) The name, address, and telephone number of the person seeking to explore;
- 2) The name, address, and telephone number of the person's representative who will be present at, and responsible for, conducting the exploration activities;
- 3) A statement of the period of intended exploration, and a precise narrative or other specific description of the location of the intended exploration which identifies which Sections will be affected;
- 4) A description of the method of exploration to be used and the practices that will be followed to protect the environment and to reclaim the area from adverse impacts of the exploration activities in accordance with the applicable requirements of 62 Ill. Adm. Code 1815;
- 5) In addition, the notice shall include a copy of a fully executed "Notice-of-Intent-and Application for Blanket-Authorization-to Drill-Coal-Test-Holes Test Hole Permit" (Form 6-14-B OG-7) or

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"Notice-of-Intent-and-Application-for-Individual-Authorization-to Drill-a-Coal Test Hole Record and Plugging Affidavit" (Form OG-14-A8). Forms are available from the Oil and Gas Division of the Department which will supervise closure in accordance with 62 Ill. Adm. Code 240.

- c) A notice of intention to explore is not an application for a permit.

(Source: Amended at 15 Ill. Reg. 17269, effective January 1, 1992.)

## Section 1772.14 Requirements for Commercial Use or Sale

Any person who extracts coal for commercial sale during coal exploration operations shall obtain a surface coal mining and reclamation operations permit for those operations from the Department under 62 Ill. Adm. Code 1773 through 1785. No surface coal mining and reclamation operations permit is required if the Department makes prior determination that the sale is to test for coal properties necessary for the development of surface coal mining and reclamation operations for which a permit application is to be submitted at a later time.

- a) Except as provided under 62 Ill. Adm. Code 1772.14(b) and 1700.11(a)(3), any person who intends to commercially use or sell coal extracted during coal exploration operations under an exploration permit, shall first obtain a permit to conduct surface coal mining operations for those operations from the Department under 62 Ill. Adm. Code 1773 through 1785.

- b) With the prior written approval of the Department, no permit to conduct surface coal mining operations is required for the sale or commercial use of coal extracted during exploration operations if such sale or commercial use is for coal testing purposes only. The person conducting the exploration shall file an application for such approval with the Department. The application shall demonstrate that the coal testing is necessary for the development of a surface coal mining and reclamation operation for which a surface coal mining operations permit application is to be submitted in the near future, and that the proposed commercial use or sale of coal extracted during exploration operations is solely for the purpose of testing coal. The application shall contain the following:

- 1) The name of the testing firm and the locations at which the coal will be tested.
- 2) If the coal will be sold directly to, or commercially used directly by, the intended end user, a statement from the intended end user, or if the coal is sold indirectly to the intended end user through an agent or broker, a statement from the agent or broker. The statement shall include:
  - A) The specific reason for the test, including why the coal may be so different from the intended user's other coal supplies as to require testing;
  - B) the amount of coal necessary for the test and why a lesser amount is not sufficient; and



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- C) a description of the specific tests that will be conducted.
- 3) Evidence that sufficient reserves of coal are available to the person conducting exploration or its principals for future commercial use or sale to the intended end user, or agent or broker of such user identified above, to demonstrate that the amount of coal to be removed is not the total reserve, but is a sampling of a larger reserve.
- 4) An explanation as to why other means of exploration, such as core drilling, are not adequate to determine the quality of the coal and/or the feasibility of developing a surface coal mining operation.

(Source: Amended at 15 Ill. Reg. 17269, effective January 1, 1992)

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- 1) The Heading of the Part: Requirements for Permits and Permit Processing
- 2) Code Citation: 62 Ill. Adm. Code 1773
- 3) Section Numbers: Adopted Action:  
1773.5 Amended  
1773.11 Amended  
1773.15 Amended  
1773.17 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register: February 1, 1991; 15 Ill. Reg. 1352
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:  
The following changes were made based upon comments received:  
In Section 1773.15(b)(1)(B), the phrase "30 CFR 775.13" is added after the phrase "62 Ill. Adm. Code 1775.13" in the second sentence.  
Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Illinois Department of Mines and Minerals (Department) has agreed:  
In Section 1773.15(b)(1), to change the "S" in "State regulatory authority" and "State regulatory program" to lower case lettering.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?







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## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1773

## REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section	Scope and Purpose
1773.1	Definitions
1773.5	Requirements to Obtain Permits
1773.11	Regulatory Coordination with Requirements under Other Laws
1773.12	Public Participation in Permit Processing
1773.13	Opportunity for Public Hearing
1773.14	Review of Permit Applications
1773.15	Permit Conditions
1773.17	Permit Issuance and Right of Renewal
1773.19	Improvidently Issued Permits: General Procedures
1773.20	Improvidently Issued Permits: Rescission Procedures
1773.21	

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992.

## Section 1773.5 Definitions

For purposes of this Part, owned or controlled and owns or controls means any one or a combination of the relationships specified in subsections (a) or and (b) below:

- a) Ownership or control is evidenced by:
  - 1) Being a permittee of a surface coal mining operation;
  - 2) Based on instruments of ownership or voting securities, owning of record in excess of fifty (50) percent of an entity; or
  - 3) Having any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.
- b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted.
  - 1) Being an officer or director of an entity;
  - 2) Being the operator of a surface coal mining operation;
  - 3) Having the ability to commit the financial or real property assets or working resources of an entity;

- 4) Being a general partner in a partnership;
- 5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten (10) through fifty (50) percent of the entity; or
- 6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

(Source: Amended at 15 Ill. Reg. 17274, effective January 1, 1992)  
Section 1773.11 Requirements to Obtain Permits

## a) All operations.

On and after February 1, 1983, no person shall engage in or carry out any surface coal mining operations on non-Federal or non-Indian Lands within the State, unless such person has first been issued a permanent regulatory program permit by the Illinois Department of Mines and Minerals (Department), except as provided for in subsection (b). A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has been terminated, revoked, or suspended.

## b) Continuation of interim regulatory program operations.

1) A person authorized to conduct surface coal mining and reclamation operations under a permit issued or amended by the Department in accordance with the requirements of the interim regulatory program may conduct such operations beyond February 1, 1983, if:

- A) Not later than August 3, 1982, regardless of litigation contesting that program, an application for a permanent regulatory program permit is filed for any operation to be conducted after February 1, 1983, in accordance with the provisions of the permanent program;
- B) The Department has not yet rendered an initial administrative decision approving or disapproving the permit; and
- C) The surface coal mining and reclamation operation is conducted in compliance with the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Federal Act), the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 19879, ch. 96 1/2, pars. 7901.01 et seq.) (State Act), 62 Ill. Adm. Code 1800 through 1850 and all terms and conditions of the interim program permit.

2) No new interim program permits shall be issued.



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(Source: Amended at 15 Ill. Reg. 17274, effective January 1, 1992)

## Section 1773.15 Review of Permit Applications

## a) General.

1) The Department shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application and issue a written decision, in accordance with Section 1773.19, either granting, requiring modification of, or denying the application. If an informal conference is held under Section 1773.13(c), the decision shall be made within sixty (60) days of the close of the conference, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3).

2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

## b) Review of violations.

1) Based on available information concerning Federal and State failure-to-abate cessation orders, as defined in 62 Ill. Adm. Code 1843.11(b) or under the counterpart rule of another state regulatory authority, unabated Federal and State imminent harm cessation orders, as defined in 62 Ill. Adm. Code 1843.11(a) or under the counterpart rule of another state regulatory authority, delinquent civil penalties issued pursuant to Section 8.04 of the State Act and Section 518 of the Federal Act or pursuant to the counterpart provision of another state regulatory program, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act or any other law, rule or regulation referred to in this subsection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under Federal or State program has been or is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before

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the issuance of the permit, to either:

A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or

B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit court reviewing the violation, pursuant to 62 Ill. Adm. Code 1775.13, 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) within thirty (30) days of the court's decision.

2) Any permit that is issued on the basis of proof submitted under subsection (b)(1)(A) that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B), shall be conditionally issued.

3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Acts, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1775.11.

## c) Written findings for permit application approval.

No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.

2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.

3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:

A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764,



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to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or

B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or subject to the prohibitions or limitations of 62 Ill. Adm. Code 1761.11 and 1761.12.

4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).

5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).

7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.

8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.

9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).

10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

11) For a proposed re-mining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701 Appendix A.

12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Department has determined that no additional measures are necessary.

d) Performance bond submittal.

If the Department decides to approve the application, it shall require that the applicant file the performance bond or provide other equivalent guarantee before the permit is issued, in accordance with

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the provisions of 62 Ill. Adm. Code 1800.

e) Final compliance review. After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 15 Ill. Reg. 17274, effective January 1, 1992)

## Section 1773.17 Permit Conditions

Each permit issued by the Department shall be subject to the following conditions:

a) The permittee shall conduct surface coal mining and reclamation operations only on those lands that are specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permit and that are subject to the performance bond or other equivalent guarantee in effect pursuant to 62 Ill. Adm. Code 1800.

b) The permittee shall conduct all surface coal mining and reclamation operations only as described in the approved application, except to the extent that the Department otherwise directs in the permit.

c) The permittee shall comply with the terms and conditions of the permit, all applicable performance standards of the Federal and State Acts, and the requirements of the regulatory program.

d) Without advance notice, delay, or a search warrant, upon presentation of appropriate credentials, the permittee shall allow the authorized representatives of the Department and Secretary of the United States Department of the Interior to:

1) Have the right of entry provided for in 62 Ill. Adm. Code 1840.12; and

2) Be accompanied by private persons for the purpose of conducting an inspection in accordance with 62 Ill. Adm. Code 1840, when the inspection is in response to an alleged violation reported to the Department by the private person.

e) The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

1) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

2) Immediate implementation of measures necessary to comply; and

3) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

f) As applicable, the permittee shall comply with 62 Ill. Adm. Code 1700.11(d) for compliance, modification, or abandonment of existing



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structures.

- g) The operator shall pay all reclamation fees required by 30 CFR 870 for coal produced under the permit for sale, transfer or use.
- h) Within thirty (30) days after a cessation order is issued under 62 Ill. Adm. Code Section 1843.11 or 30 CFR 843.11, for operations conducted under the permit, except where a stay of the cessation order is granted and remains in effect the permittee shall either submit to the Department the following information, current to the date the cessation order was issued, or notify the Department in writing that there has been no change since the immediately preceding submittal of such information:
  - 1) Any new information needed to correct or update the information previously submitted to the Department by the permittee under 62 Ill. Adm. Code 1778.13(c); or
  - 2) If not previously submitted, the information required from a permit applicant by 62 Ill. Adm. Code 1778.13(c).

(Source: Amended at 15 Ill. Reg. 17274, effective January 1, 1992)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights
- 2) Code Citation: 62 Ill. Adm. Code 1774
- 3) Section Numbers: 1774.13  
Adopted Action: Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register: February 1, 1991; 15 Ill. Reg. 1363
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:  
No changes were made between the proposed and adopted versions.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?  
No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments:  
The Department has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface



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## NOTICE OF ADOPTED AMENDMENTS

Coal Mining Land Conservation and Reclamation Act.

The following discussion describes the adopted amendments of Part 1774:

Section 1774.13 sets forth permit revision requirements. The amendment to subsection (b)(1) gives the Department ninety (90) days rather than thirty (30) days to approve or disapprove applications for insignificant permit revisions.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:

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## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1774

## REVISION; RENEWAL; AND TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS

## Section

1774.1 Scope and Purpose  
1774.11 Department Review of Permits  
1774.13 Permit Revisions  
1774.15 Permit Renewals  
1774.17 Transfer, Assignment, or Sale of Permit Rights

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 8469, effective July 1, 1987; amended at 14 Ill. Reg. 11900, effective January 1, 1991; amended at 15 Ill. Reg. 17284, effective January 1, 1992.

## Section 1774.13 Permit Revisions

- a) During the term of a permit, the permittee may submit an application to the Department for a revision of the permit. Such application may be made on the standard Department permit form; however, only those sections of the form which pertain to the revision in question must be completed.
- b) Application Requirements and Procedures.
  - 1) The Department will approve or disapprove applications for insignificant revisions within ~~thirty~~ ninety (90) days after receipt of the application; applications for significant revision will be acted upon in accordance with 62 Ill. Adm. Code 1773.13 and 1773.15.
  - 2) A significant revision to a permit shall be obtained for changes in the surface coal mining or reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. For purpose of these requirements, significant departures from the methods of conduct of mining or reclamation operations include any change in such mining or reclamation operations, except the following, if not contemplated or provided for in the original permit:
    - A) For surface mines, changes of direction of mining or location of mining equipment within the permit area;
    - B) Substitution of mining equipment designed for the same purpose, the use of which is not detrimental to achievement of final reclamation or subsidence control;



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- C) For underground mines, any change in direction or location of mining within the permit area or shadow area, in response to unanticipated events;
- D) Any other change in operations, methods, or conduct of mining described in writing to the Department which the Department excuses in writing from requirement of revision on a case-by-case basis after determining that the described change will have no significant potential adverse impact on the achievement of final reclamation plans or subsidence control plans or upon the surrounding area;
- E) Any alteration in the reclamation plan or reclamation operations which does not involve significant delay or any change in land use described in writing to the Department and excused from this requirement of revision on a case-by-case basis; or
- F) Any temporary change in operations, subsidence control or reclamation plans necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee, after review and approval by the Department in writing, provided that all steps specified by the Department to maximize environmental protection are taken.
- 3) All significant permit revision applications shall meet the requirements of 62 Ill. Adm. Code 1773.13, 1773.19(b)(1) and (3) and 1778.21.
- c) No application for a permit revision shall be approved unless the application demonstrates and the Department finds that reclamation as required by the Act and the regulatory program can be accomplished, applicable requirements under 62 Ill. Adm. Code 1773.15(c) which are pertinent to the revision are met, and the application for a revision complies with all requirements of the Act and the regulatory program.
- d) Extensions of the permit area, except for incidental boundary revisions, shall be made by application for a new permit, and shall not be approved under this Part. Extensions of the shadow area, except for incidental boundary revisions, shall be made and approved pursuant to the requirements of this Part. Application for incidental boundary revisions shall be made pursuant to subsection 1774.13(a). Incidental boundary revisions are those which:
- 1) Constitute a relatively small percentage of the initial permit acreage;
  - 2) Are contiguous with the permit acreage;
  - 3) Are required for the orderly and continuous mining operation;
  - 4) Would be reclaimed in conformity with the initial plan;
  - 5) For the purpose of this section, incidental boundary changes are described as follows:
- | Original Permit Acres | Maximum Size of Boundary Changes-Acres |
|-----------------------|--|
| Up to 10              | 1                                      |
| Up to 25              | 2.5                                    |

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- Up to 50 5  
Up to 75 7.5  
Up to 100 10  
Over 100 20

6) A determination as to what constitutes a significant departure shall be made by the Department in consultation with the permittee. Changes which do not alter the final reclamation or mining plan are considered minor and do not require permit revision. However, any request for such changes shall be included in a written request to the Department.

(Source: Amended at 15 Ill. Reg. 17284, effective January 1, 1992)



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Special Program Performance Standards Operations On Prime Farmland

2) Code Citation: 62 Ill. Adm. Code 1823

3) Section Numbers:

1823.14  
1823.15

Adopted Action:

Amended  
Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: January 1, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act?

Yes. The Joint Committee on Administrative Rules (JCAR) issued its certificate of approval of such incorporation by reference on March 19, 1991; a copy thereof accompanies this rulemaking.

8) Date filed in agency's principal office: November 19, 1991

9) Date Notice of Proposed Amendments published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1368

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected and subsection headings added where necessary. All of the above changes have been made pursuant to comments and direction received from JCAR.

The following changes were made based upon comments received:

The first sentence of Section 1823.14(a)(2) is changed to read as follows:

Section 1823.14(a)(1) and (d) shall not apply to prime farmland fragipan soils.

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

On September 20, 1989, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) sent the Department a letter identifying a series of Illinois regulations that must be amended in order to become consistent with current Federal regulations, pursuant to 30 CFR 732.17. The adopted amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1823:

Section 1823.14 sets forth the Department's soil replacement requirements on prime farmland. New subsection (g) requires that prime farmland have a planned erosion control system in certain specified instances.

Section 1823.15 sets forth the Department's requirements for revegetation requirements on prime farmland. The amendment to subsection (b)(3) responds to OSMRE's September 20, 1989 directive.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1823  
SPECIAL PROGRAM PERFORMANCE STANDARDS--  
OPERATIONS ON PRIME FARMLAND

Section	Scope
1823.1	Objective
1823.2	Prime Farmland: Special Requirements
1823.11	Prime Farmland: Soil Removal
1823.12	Prime Farmland: Soil Stockpiling
1823.13	Prime Farmland: Soil Replacement
1823.14	Prime Farmland: Soil Reclamation
1823.15	Prime Farmland: Revegetation

AUTHORITY: Implementing, and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 9987, effective September 3, 1982; codified at 8 Ill. Reg. 9361; amended at 10 Ill. Reg. 9631, effective July 1, 1986; amended at 15 Ill. Reg. 17289, effective January 1, 1992.

**Section 1823.14 Prime Farmland: Soil Replacement**

Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

**a) Requirements**

- 1) The minimum depth of soil and soil material to be reconstructed for prime farmland shall be forty-eight (48) inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than forty-eight (48) inches wherever necessary to restore productive capacity due to uniquely favorable soil horizons at greater depths; and
- 2) Section 1823.14(a)(1) and (d) shall not apply to prime farmland fragipan soils. Prime farmland fragipan soil shall be reconstructed in accordance with 62 Ill. Adm. Code 1825.14(a)(1), (a)(2), (a)(3), and (a)(5). For the purposes of this provision, prime farmland fragipan soils are specific soils classified as prime farmland that are underlain with a diagnostic subsurface horizon designated as a fragipan by the Soil Conservation Service of the U.S. Department of Agriculture according to the criteria set in Soil Taxonomy, U.S.D.A. Handbook AH 436, including the following soils found in Illinois: Ava, Grantsburg, and Hosmer series as defined by the Soil Interpretation Sheets of the Soil Conservation Service.

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- b) Replace soil material only on land which has been first returned to final grade and scarified according to 62 Ill. Adm. Code 1816.101 through 1816.105 or 62 Ill. Adm. Code 1817.101 through 1817.105, unless site-specific evidence is provided and approved by the Department showing that scarification will not enhance the capability of the recommended soil to achieve equivalent or higher levels of yield;
- c) Replace the soil horizons or other suitable soil material in a manner that avoids excessive compaction;
- d) Replace the B horizon or other suitable material specified in Section 1823.12(a)(2) and (a)(3) to the thickness needed to meet the requirements of paragraph (a) of this Section;
- e) Replace the A horizon or other suitable soil materials specified in Section 1823.12(a)(1) as the final surface soil layer. This surface soil layer shall equal or exceed the thickness of the original soil, as determined in 62 Ill. Adm. Code 1785.17(b)(1)(B) and be replaced in a manner that protects the surface layer from wind and water erosion before it is seeded or planted; and
- f) Apply nutrients and soil amendments as needed to quickly establish vegetative growth;
- g) Prime farmland shall have a planned erosion control system if expected soil loss from row crop production will exceed the tolerable soil loss limits as defined by "Resource Conservation Planning Technical Material-IL-4" (May 12, 1977). "Resource Conservation Planning Technical Material-IL-4", issued by the U.S. Department of Agriculture, Soil Conservation Service, located at 1902 Fox Drive, Champaign, Illinois 61820, is hereby incorporated by reference and does not include later editions or amendments. Terrace systems, when utilized as part of a planned erosion control system, shall be constructed according to U.S. Department of Agriculture, Soil Conservation Service specifications. Erosion control plans in compliance with this subsection shall be submitted to and approved by the Department after final grading based on seasonal factors, the extent of the area, and the sophistication of the erosion control plan.

(Source: Amended at 15 Ill. Reg. 17289, effective January 1, 1992.)

**Section 1823.15 Prime Farmland: Revegetation**

Each person who conducts surface coal mining and reclamation operations on prime farmland regardless of whether such land has been drilled, blasted, or mined, shall meet the following revegetation requirements during reclamation:

- a) Following soil replacement, that person shall establish a vegetative cover capable of stabilizing the soil surface with respect to erosion. All vegetation shall be in compliance with the plan approved by the Department under 62 Ill. Adm. Code 1785.17 and carried out in a manner that encourages prompt vegetative cover and recovery of productive



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capacity. The timing and mulching provisions of 62 Ill. Adm. Code 1816.113 and 1816.114 or 62 Ill. Adm. Code 1817.113 and 1817.114 shall be met.

b) Measurement of success of prime farmland revegetation shall be conducted in accordance with the following provisions:

1) Measurement of success of revegetation shall be initiated within ten (10) years after completion of backfilling and final grading of areas of prime farmland in accordance with the approved reclamation plan.

2) Success of revegetation shall be measured in accordance with 62 Ill. Adm. Code 1816.116(a)(4).

3) Revegetation shall be considered a success when crop production is equivalent to or exceeds the production required in 62 Ill. Adm. Code 1816.116(a)(4), with ninety (90) percent statistical confidence (i.e., one-sided t test with 0.10 alpha error) for a minimum of three (3) crop years of a ten (10) year period, ~~provided-that-at-least-three-(3)-crop-years-do-not-occur-before-the~~ ~~fourth-year-(inclusive)~~ except the first year after augmented seeding, fertilizing, or other management practices, prior to release of the operator's performance bond. The level of management applied during the measurement period shall be the same as the level of management used on nonmined prime farmland in the surrounding area. The five (5) year period of extended responsibility shall begin after the last year of augmented seeding, fertilizing or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing.

4) Compliance with this subsection shall not preclude a permittee from demonstrating the required soil productivity under the law by use of soil surveys or other techniques approved consistent with future regulations.

(Source: Amended at 15 Ill. Reg. 17289, effective January 1, 1992)

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Surface Mining Permit Application -- Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1780

3) Section Numbers: Adopted Action:

1780.16

Amended

1780.37

Amended

1780.39

New Section

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: January 1, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: November 19, 1991

9) Notice of Proposed Amendments published in Illinois Register:

February 1, 1991; 15 Ill. Reg. 1374

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules (JCAR).

The following changes were made based upon comments received:

The second sentence of Section 1780.37(b) is amended to read as follows:

The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the certification.



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

On September 20, 1989 and November 2, 1990, the Department received letters from the Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to become consistent with current federal regulations. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1780:

Section 1780.16 sets forth the Department's requirements for a fish and wildlife plan in the permit application. A typographical error was corrected in subsection (b)(3)(B).

Section 1780.37 sets forth the Department's requirements regarding transportation facilities which must be included in an application for a surface mining permit. New subsection (a)(5) adds drawings and specifications for proposed stream ford to be used as temporary routes to the permit application requirements. New subsection (a)(7) adds removal and reclamation plans and schedules for all roads which are not proposed for retention as part of the post-mining land use to the permit application requirements. New subsection (b) requires that primary road plans and drawings be prepared by, or under the direction of, and certified by a qualified registered professional engineer.

New Section 1780.39 requires each applicant for a surface coal mining and reclamation operations permit to submit a description, plans and drawings for each support facility to be constructed, used or maintained within the proposed permit area.

The amendments to Part 1780 serve to make the Department's permit application requirements consistent with and no less effective than OSMRE's counterpart regulations at 30 CFR 780.37 and 780.38.

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begin on the next page:



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1780

## SURFACE MINING PERMIT APPLICATION--MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

## Section

1780.4	Responsibilities
1780.5	Use of Existing Data
1780.6	Use of Expert Opinion
1780.11	Operation Plan: General Requirements
1780.12	Operation Plan: Existing Structures
1780.13	Operation Plan: Blasting
1780.14	Operation Plan: Maps and Plans
1780.15	Air Pollution Control Plan
1780.16	Fish and Wildlife Plan
1780.18	Reclamation Plan: General Requirements
1780.21	Hydrologic Information
1780.22	Geologic Information
1780.23	Reclamation Plan: Post-mining Land Uses
1780.25	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1780.27	Reclamation Plan: Surface Mining Near Underground Mining
1780.29	Diversions
1780.31	Protection of Public Parks and Historic Places
1780.33	Relocation or Use of Public Roads
1780.35	Disposal of Excess Spoil
1780.37	Transportation Facilities
1780.38	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities
1780.39	Support Facilities

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8511; amended at 11 Ill. Reg. 8602, effective July 1, 1987; amended at 14 Ill. Reg. 11911, effective January 1, 1991; amended at 15 Ill. Reg. 17294, effective January 1, 1992.

## Section 1780.16 Fish and Wildlife Plan

a) Resource information. Each application shall include fish and wildlife resource information for the permit area and adjacent area.

1) The scope and level of detail for such information shall be determined by the Department in consultation with State and

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Federal agencies with responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under subsection (b).

A) Prior to initiating such studies, the applicant shall contact the Department to determine, in accordance with subsection (a)(1)(B), what fish and wildlife resources information will be required.

B) The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:

- i) Published data and other pertinent unpublished information;
- ii) Site-specific information obtained by the applicant; and
- iii) Written guidance obtained from agencies consulted.

2) Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

A) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or those species or habitats protected by the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.;

B) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

C) Other species or habitats identified through agency consultation as requiring special protection under State or Federal law.

b) Protection and enhancement plan. Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall--

- 1) Be consistent with the requirements of 62 Ill. Adm. Code 1816.97;
- 2) Apply, at a minimum, to species and habitats identified under subsection (a); and
- 3) Include--

A) Protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the



## DEPARTMENT OF MINES AND MINERALS

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monitoring of surface water quality and quantity; and

B) Enhancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation of for wildlife food and cover, and the replacement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

C) Fish and Wildlife Service review. Upon request, the Department shall provide the resource information required under subsection (a) and the protection and enhancement plan required under subsection (b) to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

(Source: Amended at 15 Ill. Reg. 17294, effective January 1, 1992)

## Section 1780.37 Transportation Facilities

a) Each application shall contain a detailed description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area. The description shall include a map, appropriate cross-sections, and the following:

a1) Specifications for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structure;

b2) A report of appropriate geotechnical analysis, where approval of the Department is required for alternative specifications, or for steep cut slopes under 62 Ill. Adm. Code 1816.150;

c3) A description of measures to be taken to obtain approval of the Department for alteration or relocation of a natural drainageway under 62 Ill. Adm. Code 1816.150;

d4) A description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for approval by the Department under 62 Ill. Adm. Code 1816.150;

5) The drawings and specifications for each proposed ford of a perennial or intermittent stream that is used as a temporary route, as necessary for approval of the ford by the Department in accordance with 62 Ill. Adm. Code 1816.151(c)(2);

e6) A general description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area;

7) A description of the plans to remove and reclaim each road that would not be retained under an approved post-mining land use, and the schedule for this removal and reclamation.

b) Primary road certification. The plans and drawings for each primary

## DEPARTMENT OF MINES AND MINERALS

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road shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer as meeting the requirements of 62 Ill. Adm. Code 1816.150 and 1816.151 in accordance with prudent engineering practices. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the certification.

(Source: Amended at 15 Ill. Reg. 17294, effective January 1, 1992)

## Section 1780.39 Support Facilities

Each applicant for a surface coal mining and reclamation operations permit shall submit a description, plans, and drawings for each support facility to be constructed, used, or maintained within the proposed permit area. The plans and drawings shall include a map, appropriate cross-sections, design drawings, and specifications sufficient to demonstrate compliance with 62 Ill. Adm. Code 1816.181 for each facility.

(Source: Added at 15 Ill. Reg. 17294, effective January 1, 1992)



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan
- 2) Code Citation: 62 Ill. Adm. Code 1784
- 3) Section Numbers:
 

Adopted Action:
1784.21 Amended
1784.24 Amended
1784.30 New Section
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (III. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: January 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: November 19, 1991
- 9) Date Notice of Proposed Amendments published in Illinois Register: February 1, 1991; 15 Ill. Reg. 1382
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

## 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules (JCAR).

The following changes were made based upon comments received:

The second sentence of Section 1784.24(b) is amended to read as follows:

The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the certification.

## DEPARTMENT OF MINES AND MINERALS

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- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?  
No formal agreements between the Illinois Department of Mines and Minerals (Department) and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

On September 20, 1989 and December 21, 1990, the Department received letters from the Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to become consistent with current federal regulations. The adopted amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1784:

Section 1784.21 sets forth the Department's requirements for a fish and wildlife plan in underground coal mining permit applications. The amendment to subsection (a)(2)(C) serves to make Illinois' requirements consistent with OSMRE's counterpart regulation, 30 CFR 784.21, which does not restrict the special protection to just the Endangered Species Act of 1973 or the Illinois Endangered Species Protection Act.

Section 1784.24 sets forth the Department's requirements regarding transportation facilities which must be included in an application for an underground mining permit. New subsection (a)(5) adds drawings and specifications for proposed stream ford to be used as temporary routes to the permit application requirements. New subsection (a)(7) adds removal and reclamation plans and schedules for all roads to the permit application requirements. New subsection (b) requires that primary road plans and drawings be prepared by, or under the direction of, and certified by a qualified registered professional engineer.

New Section 1784.30 requires each applicant for an underground coal mining and reclamation operations permit to submit a description, plans and drawings for each support facility to be constructed, used or maintained within the proposed permit area.

The amendments to Part 1784 serve to make the Department's permit



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application requirements consistent with and no less effective than OSMRE's counterpart regulations at 30 CFR 784.21, 784.24 and 784.30.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

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The full text of Adopted Amendments begin on the next page:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1784

UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM  
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	Responsibilities
1784.4	Use of Existing Data
1784.5	Use of Expert Opinion
1784.6	Operation Plan: General Requirements
1784.11	Operation Plan: Existing Structures
1784.12	Reclamation Plan: General Requirements
1784.13	Hydrologic Information
1784.14	Reclamation Plan: Post-mining Land Uses
1784.15	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1784.16	Protection of Public Parks and Historic Places
1784.17	Relocation or Use of Public Roads
1784.18	Underground Development Waste
1784.19	Subsidence Control Plan
1784.20	Fish and Wildlife Plan
1784.21	Geologic Information
1784.22	Operation Plan: Maps and Plans
1784.23	Transportation Facilities
1784.24	Return of Coal Processing Waste to Abandoned Underground Workings
1784.25	Air Pollution Control Plan
1784.26	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities
1784.27	Diversions
1784.29	Support Facilities
1784.30	Support Facilities

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9350; amended at 11 Ill. Reg. 8652, effective July 1, 1987; amended at 14 Ill. Reg. 11935, effective January 1, 1991; amended at 15 Ill. Reg. 17301, effective January 1, 1992.

**Section 1784.21 Fish and Wildlife Plan**

- a) Resource information. Each application shall include fish and wildlife resource information for the permit area and adjacent area.
- 1) The scope and level of detail for such information shall be determined by the Department in consultation with State and Federal agencies with responsibilities for fish and wildlife and



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shall be sufficient to design the protection and enhancement plan required under subsection (b).

A) Prior to initiating such studies, the applicant shall contact the Department to determine, in accordance with subsection (B), what fish and wildlife resources information will be required.

B) The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:

- i) Published data and other pertinent unpublished information;
- ii) Site-specific information obtained by the applicant; and
- iii) Written guidance obtained from agencies consulted.

2) Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

A) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or those species or habitats protected by the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.;

B) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

C) Other species or habitats identified through agency consultation as requiring special protection under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.), or other applicable state or federal law.

b) Protection and enhancement plan. Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall --

- 1) Be consistent with the requirements of 62 Ill. Adm. Code 1817.97;
- 2) Apply, at a minimum, to species and habitats identified under subsection (a); and
- 3) Include--

A) Protective measures that will be used during the active mining phase of operation. Such measures may include the

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establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity; and

B) Enhancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation for wildlife food and cover, and the replacement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

c) Fish and Wildlife Service review. Upon request, the Department shall provide the resource information required under subsection (a) and the protection and enhancement plan required under subsection (b) to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

(Source: Amended at 15 Ill. Reg. 17301, effective January 1, 1992)

## Section 1784.24 Transportation Facilities

a) Each application shall contain a detailed description of each road, conveyor, and rail system to be constructed, used, or maintained within the proposed permit area. The description shall include a map, appropriate cross-sections, and the following:

a1) Specifications for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structure;

b2) A report of appropriate geotechnical analysis, where approval of the Department is required for alternative specifications or for steep cut slopes under 62 Ill. Adm. Code 1817.150;

c3) A description of each measure to be taken to obtain approval of the Department for alteration or relocation of a natural drainage way under 62 Ill. Adm. Code 1817.150;

d4) A description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for approval by the Department under 62 Ill. Adm. Code 1817.150;

5) The drawings and specifications for each proposed ford of a perennial or intermittent stream that is used as a temporary route, as necessary for approval of the ford by the Department in accordance with 62 Ill. Adm. Code 1817.151(c)(2);

e6) A general description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area;

7) A description of the plans to remove and reclaim each road that would not be retained under an approved post-mining land use, and



## DEPARTMENT OF MINES AND MINERALS

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the schedule for this removal and reclamation.

- b) Primary road certification. The plans and drawings for each primary road shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer as meeting the requirements of 62 Ill. Adm. Code 1817.150 and 1817.151 in accordance with prudent engineering practices. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the certification.

(Source: Amended at 15 Ill. Reg. 17301, effective January 1, 1992)

**Section 1784.30 Support Facilities**

Each applicant for an underground coal mining and reclamation operations permit shall submit a description, plans, and drawings for each support facility to be constructed, used, or maintained within the proposed permit area. The plans and drawings shall include a map, appropriate cross sections, design drawings, and specifications sufficient to demonstrate compliance with 62 Ill. Adm. Code 1817.181 for each facility.

(Source: Added at 15 Ill. Reg. 17301, effective January 1, 1992)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Adopted Action: 112.131 Amendment
- 4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)
- 5) Effective Date of Adopted Amendment: November 18, 1991
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 18, 1991
- 9) Notice of Proposal Published in Illinois Register: July 12, 1991 (15 Ill. Reg. 10564)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Difference between proposal and final version: No substantive changes were made to this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendment: This rulemaking provides that an earned income tax credit payment is exempt when determining AFDC eligibility and the level of assistance against the 185% Standard of Need and the payment level.



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference
112.5	

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

Section	
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment
112.76	Process/Development of an Employability Plan
112.77	Project Chance Orientation
112.78	Conciliation and Fair Hearings
112.79	Project Chance Components
112.80	Project Chance Sanctions
112.81	Good Cause for Failure to Comply With Project Chance Participation Requirements
112.82	Responsible Relative Eligibility For Project Chance
	Project Chance Supportive Services



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Section	Young Parents Program	Section	Budgeting Earned Income For Contractual Employees
112.83	Work Experience Evaluation Project	112.135	Budgeting Earned Income For Non-Contractual School Employees
112.84	Four Year College/Vocational Training Demonstration Project	112.136	Termination of Employment
112.85		112.137	Transitional Payments
		112.140	Exempt Earned Income
Section	SUBPART E: PROJECT ADVANCE	112.141	Earned Income Exemption
112.86	Project Advance	112.142	Exclusion From Earned Income Exemption
112.87	Project Advance Experimental and Control Groups	112.143	Recognized Employment Expenses
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers	112.144	Income From Work/Study/Training Program
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers	112.145	Earned Income From Self-Employment
112.90	Project Advance Sanctions	112.146	Earned Income From Roomer and Boarder
112.91	Good Cause for Failure to Comply with Project Advance	112.147	Income From Rental Property
112.93	Individuals Exempt From Project Advance	112.148	Payments from the Illinois Department of Children and Family Services
112.95	Project Advance Supportive Services	112.149	Earned Income In-Kind Assets
		112.150	Exempt Assets
Section	SUBPART F: EXCHANGE PROGRAM	112.151	Asset Disregards
112.98	Exchange Program	112.152	Deferral of Consideration of Assets
		112.153	Property Transfers
		112.154	AFDC Income Limit
		112.155	

Section	Unearned Income	Section	Grant Levels
112.100	Unearned Income of Stepparent or Parent	112.250	Payment Levels in AFDC
112.101	Budgeting Unearned Income	112.251	Payment Levels in AFDC Group I Counties
112.105	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision	112.252	Payment Levels in AFDC Group II Counties
112.106	Initial Receipt of Unearned Income	112.253	Payment Levels in AFDC Group III Counties
112.107	Termination of Unearned Income	112.254	
112.108	Exempt Unearned Income		SUBPART I: OTHER PROVISIONS
112.110	Education Benefits		Persons Who May Be Included in the Assistance Unit
112.115	Incentive Allowances		Presumptive Eligibility
112.120	Unearned Income In-Kind		Monthly Reporting
112.125	Earmarked Income		Retrospective Budgeting
112.126	Lump Sum Payments		Budgeting Schedule
112.127	Protected Income		Strikers
112.128	Earned Income		Foster Care Program
112.130	Earned Income Tax Credit		Responsibility of Sponsors of Aliens
112.131	Budgeting Earned Income		Special Needs Authorizations
112.132	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision		Institutional Status
112.133	Date of Application And/Or Date Of Decision		Young Parent Program (Renumbered)
112.134	Initial Employment		Redetermination of Eligibility

Section	Unearned Income	Section	Grant Levels
112.100	Unearned Income of Stepparent or Parent	112.250	Payment Levels in AFDC
112.101	Budgeting Unearned Income	112.251	Payment Levels in AFDC Group I Counties
112.105	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision	112.252	Payment Levels in AFDC Group II Counties
112.106	Initial Receipt of Unearned Income	112.253	Payment Levels in AFDC Group III Counties
112.107	Termination of Unearned Income	112.254	
112.108	Exempt Unearned Income		SUBPART I: OTHER PROVISIONS
112.110	Education Benefits		Persons Who May Be Included in the Assistance Unit
112.115	Incentive Allowances		Presumptive Eligibility
112.120	Unearned Income In-Kind		Monthly Reporting
112.125	Earmarked Income		Retrospective Budgeting
112.126	Lump Sum Payments		Budgeting Schedule
112.127	Protected Income		Strikers
112.128	Earned Income		Foster Care Program
112.130	Earned Income Tax Credit		Responsibility of Sponsors of Aliens
112.131	Budgeting Earned Income		Special Needs Authorizations
112.132	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision		Institutional Status
112.133	Date of Application And/Or Date Of Decision		Young Parent Program (Renumbered)
112.134	Initial Employment		Redetermination of Eligibility



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Section  
112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment  
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)  
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

Section  
112.350 Child Care  
112.352 Child Care Eligibility  
112.354 Qualified Provider  
112.356 Notification of Available Services  
112.358 Participant Rights and Responsibilities  
112.362 Additional Service to Secure or Maintain Child Care Arrangements  
112.364 Rates of Payment for Child Care  
112.366 Method of Providing Child Care

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
112.400 Transitional Child Care Eligibility  
112.404 Duration of Eligibility for Transitional Child Care  
112.406 Loss of Eligibility for Transitional Child Care  
112.408 Qualified Child Care Providers  
112.410 Notification of Available Services  
112.412 Participant Rights and Responsibilities  
112.414 Child Care Overpayments and Recoveries  
112.416 Fees for Service for Transitional Child Care  
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 111, Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective



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July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 8 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; emergency amendment at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a

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maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140,



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effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.131 Earned Income Tax Credit

a) ~~In determining eligibility against the 185% Standard of Need (see 89 Ill. Adm. Code 111.101), the amount of earned income tax credit which the client receives as advanced payment or as a refund of federal income taxes shall not be exempt.~~

b) In determining eligibility and level of assistance against the 185% Standard of Need and the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.

(Source: Amended at 15 Ill. Reg. 17308, effective November 18, 1991)

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- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
  - 140.460 Amendment
  - 140.461 Amendment
  - 140.462 Amendment
  - 140.463 Amendment
  - 140.465 Repealed
- 4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: November 18, 1991
- 6) Does this rulemaking contain an automatic repeal date?  
 Yes ☐ No ☒
- 7) Does these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 18, 1991
- 9) Notices of Proposal Published in Illinois Register: April 5, 1991, 15 Ill. Reg. 4903
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:
  - Section 140.461(a)(1)
  - Changed ":" to ";".
  - Section 140.461(a)(3)
  - Capitalized "licensing".
  - Section 140.462(a)(3)(A)
  - Changed the clause to read "Physician's Services, including covered services of nurse practitioners, nurse midwives and physician-supervised physician assistants."



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Section 140.462(a)(4)(A)

Moved the words "physician-supervised" to a different location within the clause. Clause now reads "Physician's Services, including covered services of nurse midwives, nurse practitioners and physician-supervised physician assistants."

Section 140.462(a)(4)(B)

Revised the clause to read "Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice; including:."

Section 140.462(a)(4)(B)(viii)

Typographical error in "services" that has two "e"s instead of one "e".

Section 140.463

Changed Title from "Encounter Rate Clinics Payment" to "Clinic Service Payment".

Section 140.463(b)(1)(A)

Changed "F.Q.H.C." to read "FQHC".

Section 140.463(b)(1)(E)

Added ", " after the first "1990".  
Deleted ", " after "available".

Section 140.463(b)(1)(I)

Deleted "' from "FQHC's".

Section 140.463(b)(1)(J)

Changed the sentence to read "Payment for covered medical services rendered by the provider 30 days after Department....".

Section 140.463(b)(1)(L)

Changed "of" to "after" following the words "within 90 days".

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Section 140.463(b)(2)(A)

Changed "F.Q.H.C." to "FQHC".

Section 140.463(b)(2)(H)

Deleted "' from "FQHC's".

Section 140.463(b)(2)(K)

Changed "of" to "after" following the words "within 90 days".

Section 140.463(b)(3)(B)(v)

Changed "of" to "or" following the word "officer".

Section 140.463(b)(3)(C)

Changed "; " to ": ".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.11	Amendment	May 10, 1991 (15 Ill. Reg. 6949)
140.71	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.94	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.95	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.440	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.441	Amendment	August 30, 1991 (15 Ill. Reg. 12171)



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Section Numbers	Proposed Action	Illinois Register Citation
140.442	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.449	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.469	Amendment	September 20, 1991 (15 Ill. Reg. 13685)
140.512	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.513	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.514	Amendment	August 16, 1991 (15 Ill. Reg. 11555)
140.518	Amendment	July 5, 1991 (15 Ill. Reg. 9885)
140.530	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.538	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.552	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.560	Amendment	April 19, 1991 (15 Ill. Reg. 5585)
140.561	Amendment	May 17, 1991 (15 Ill. Reg. 7482)
140.562	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.569	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.569	Amendment	June 14, 1991 (15 Ill. Reg. 8656)
140.583	Amendment	November 8, 1991 (15 Ill. Reg. 15933)

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Section Numbers	Proposed Action	Illinois Register Citation
140.646	Amendment	May 10, 1991 (15 Ill. Reg. 6949)
140.835	Repealed	November 8, 1991 (15 Ill. Reg. 15933)

15) Summary and Purpose of Adopted Amendments: Section 6404 of OBRA '89 requires states to include in their Medicaid benefit package ambulatory services provided by Federally Qualified Health Centers (FQHC), and further requires states to pay for these services at 100% of reasonable costs. The attached revisions enable the Department to:

- 1) open enrollment to new encounter rate clinics designated as FQHCs and 2) establish both an interim and a permanent cost-based method for determining encounter rates for current and new Federally Qualified Health Centers. These revisions also delete obsolete language specific to speech and hearing clinics.

16) Information and questions regarding these Adopted Amendments shall be directed to:

**Name:** Daniel C. Leikvold, Staff Attorney  
Office of the General Counsel

**Address:** Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

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The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

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SUBCHAPTER d: MEDICAL PROGRAMSPART 140  
MEDICAL PAYMENT

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**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12068, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983;

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18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057,



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effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.460 Clinic Services

- a) The following types of clinics are eligible to receive payment for clinic services:

- 1)a) Hospital clinics
- 2)b) Encounter rate clinics
- 2)c) Psychiatric clinics
- 4)d) Speech-and-hearing-clinics Federally Qualified Health Centers (FQHC)
- 5)e) Rural health clinics
- 6)f) Mental health clinic services (see Sections 140.452 through 140.456)

- b) Hospital-clinics-must-

- 1) Have-an-administrative-structure,-staff-program,-

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.460 Clinic Services (Cont'd)

physical-setting,-and-equipment-to-provide-comprehensive-medical-care,-

- 2) Agree-to-assume-complete-responsibility-for-diagnosis-and-treatment-of-the-patients-accepted-by-the-clinic,-or-provider,-at-no-additional-cost-to-the-Department,-for-the-acquisition-of-these-services-through-contractual-arrangements-with-external-medical-providers,-and
- 3) Be-adjacent-to-or-on-the-premises-of-the-Hospital-and-be-licensed-under-the-Hospital-Licensing-Act,  
(Source: Amended at 15 Ill. Reg. 17318, effective November 18, 1991)

## Section 140.461 Clinic Participation Requirements

a) Hospital clinics must:

- 1) Have an administrative structure, staff program, physical setting, and equipment to provide comprehensive medical care.
  - 2) Agree to assume complete responsibility for diagnosis and treatment of the patients accepted by the clinic, or provide, at no additional cost to the Department, for the acquisition of these services through contractual arrangements with external medical providers; and
  - 3) Be adjacent to or on the premises of the hospital and be licensed under the Hospital Licensing Act.
- a)b) Encounter rate clinics must be presently participating in the Medical Assistance Program. Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities.
- b)c) Psychiatric clinics must have the appropriate facilities and qualified professional staff to meet the recipient's needs in the specialized care they have been established to provide.
- e) Speech-and-hearing-clinics-must-have-the-appropriate-



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.461 Clinic Participation Requirements (Cont'd)

~~facilities and qualified professional staff to meet the recipient's needs in the specialized care they have been established to provide.~~

d) Rural health clinics must be certified by SSA-Social Security Administration as meeting the requirements for Medicare participation.

e) Federally Qualified Health Centers (FQHC) must be Health Centers which:

- 1) receive a grant under Section 329, 330 or 340 of the Public Health Service Act; or
- 2) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined to meet the requirements for receiving such a grant.

f) Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities.

(Source: Amended at 15 Ill. Reg. 17318, effective November 18, 1991)

## Section 140.462 Covered Services in Clinics

a) Payment shall be made to clinics for the following types of services when provided by, or under the direction of, a physician:

- 1) Hospital-~~clinics~~ and-~~encounter~~ rate clinics:

Medical services which provide for the continuous health care needs of persons who elect to use this type of service.

- 2) psychiatric clinics:

- A) Control of medication;
- B) Individual therapy;
- C) Family therapy;
- D) Group therapy;
- E) Counseling;

## DEPARTMENT OF PUBLIC AID

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## Section 140.462 Covered Services in Clinics (Cont'd)

- F) Electric shock treatment;
- G) Diagnostic evaluation

3) Speech-and-hearing-clinics:

- A) Speech-evaluation;
- B) Speech-therapy;
- C) Hearing-evaluation;
- D) Audiologist's-services

4) 3) Rural health clinics:

A) Physician's-services,-including-required physician-supervisory-services-of-nurse-practitioners-and-physician-assistants, Physician's Services, including covered services of nurse practitioners, nurse midwives and physician-supervised physician assistants.

B) Services-Medically-necessary-services-and supplies furnished as an incident to a physician's professional services.

b) if-payments-made-under-the-approved-rate-exceed-the-hospital's-allowable-costs,-as-determined-by-an-audit-of-hospital's-cost-report,-the-excess-shall-be-refunded-to-the-Department.

4) Federally Qualified Health Center services, when delivered in a clinic setting as described in 42 CFR 440.90 (1989):

A) Physician's services, including covered services of nurse midwives, nurse practitioners and physician-supervised physician assistants.

B) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice; including:

- i) medical case management;
- ii) laboratory services;



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Section 140.462

Covered Services in Clinics (Cont'd)

- iii) occupational therapy;
- iv) patient transportation;
- v) pharmacy services;
- vi) physical therapy;
- vii) podiatric services;
- viii) psychological services;
- ix) services required to be provided by Section 329.330 or 340 of the Public Health Service Act;
- x) speech and hearing services;
- xi) x-ray services;
- xii) health education;
- xiii) dental services; and
- xiv) nutrition services.

(Source: Amended at 15 Ill. Reg. 17318, effective November 18, 1991)

Section 140.463

Encounter Rate Clinic

a) Encounter Rate Clinic

Payment shall be made at the lesser of:

- a) 1) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981; or
- b) 2) \$50.00 per encounter; or
- 3) the clinic charge to the general public.
- b) Federally Qualified Health Centers (FOHC):
- 1) Medical Encounter Rate

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 140.463

Encounter-Rate Clinics Service Payment  
(Cont'd)

- A) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FOHC Medicaid supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462 (a)(4).
- B) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
- C) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
- D) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.
- E) Interim payment for covered services rendered by FOHCs enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FOHC rate in effect on March 31, 1990, as established by the Department.
- F) Interim payment for covered services rendered by FOHCs enrolled between March 31, 1990 and January 1, 1991, shall be made at the higher of:
  - i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Center or Federally Funded Health Center Services; or



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 140.463 Base-Rate Clinics Service Payment  
(Cont'd)

- ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) above) as of March 31, 1990.

G) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.

H) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (b)(1)(A), the Department shall reconcile interim payments made for covered services.

- i) Rate retroactivity from April 1, 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

- ii) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.

- iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.

I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 140.463 Base-Rate Clinics Service Payment  
(Cont'd)

- i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Centers and Federally Funded Health Centers Services; or

- ii) the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.

J) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered services rendered between the date of enrollment and 30 days after the date of Department receipt of the complete and correct cost report of the provider. Payment for covered medical services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.

K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (b)(1)(A) of this Part within 90 days of the certified date of receipt of the forms, the Department shall suspend payment for covered medical services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (b)(1)(A), within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these costs will be in effect for



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Section 140.463

Encounter-Rate Clinics Service Payment  
(Cont'd)

services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.

- M) The Department will not process a claim for payment of FOHC services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.

## 2) Dental Encounter Rate

- A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FOHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.

- B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.

- C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

- D) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.

- E) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.

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Section 140.463

Encounter-Rate Clinics Service Payment  
(Cont'd)

- F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.

- G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (b)(2)(A), the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services.

- i) Rate retroactivity will only apply to clinics enrolled as of March 31, 1990 which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

- ii) If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate differential for each claim paid at the interim rate.

- iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.

- H) Interim payment for covered dental services rendered by FOHCs enrolled on or after January 1, 1991 shall be made at the median of the statewide range of the Department's established cost-based FOHC dental rates in effect at the time of enrollment.

- I) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30



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Section 140.463

Encounter-Rate Clinics Service Payment  
(Cont'd)

days of Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FOHC rate.

J) If the FOHC has not submitted the required audited fiscal information on the forms specified in subsection (b)(2)(A) within 90 days of the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

K) Enrolled FOHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (b)(2)(A) within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.

## 3) Rate Appeals Process

A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days of the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.

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## NOTICE OF ADOPTED AMENDMENTS

Section 140.463

Encounter-Rate Clinics Service Payment  
(Cont'd)

B)

To be accepted for review, the written appeal shall include:

- i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal.
  - ii) A clear, concise statement of the basis for the appeal.
  - iii) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement.
  - iv) A citation to any mandated or contractual requirement pertinent to the appeal; and
  - v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.
- C) Rate appeals may be considered for the following reasons:
- i) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
  - ii) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.



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Section 140.463

Enrollment-Rate Clinics Service Payment  
(Cont'd)

Section 140.465

Speech and Hearing Clinics (Repealed)  
(Cont'd.)

iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.

services-requiring-prior-approval-payment-for-services-is-at-the-amount-approved-at-the-time-prior-approval-is-given.  
(Source: Repealed at 15 Ill. Reg. 17318, effective November 18, 1991)

iv) Substantial treatment service charges are required as a result of mandated regulatory charges.

v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.

vi) State and/or Federal regulatory requirements have generated a substantial increase in allowable costs.

D) The Department shall rule on all appeals within 120 calendar days of receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.

E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 3rd floor Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763.

(Source: Amended at 15 Ill. Reg. 17318, effective November 18, 1991)

Section 140.465

Speech and Hearing Clinics (Repealed)

Payment-is-at-the-actual-charge-not-to-exceed-the-Department's-schedule-of-usual-and-customary-charges---For-Speech-therapy-



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Baccalaureate Assistance for Registered Nurses

2) Code Citation:

77 Ill. Adm. Code 595

3) Section Numbers:

595.10

595.100

595.110

595.200

595.300

595.310

595.320

595.Appendix A

595.Appendix B

Adopted Action:

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

4) Statutory Authority:

Baccalaureate Assistance Law for Registered Nurses

Ill. Rev. Stat. 1989, ch. 144, par. 1401 et seq.

5) Effective Date of Rules:

November 15, 1991

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐8) Date Filed in Agency's Principal Office:

November 15, 1991

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 8, 1991 - 15 Ill. Reg. 3398

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: ☐ Ill. Reg. ☐B) Agency Response: ☐ Ill. Reg. ☐C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 595.310(c) an Appendix A, item 9, a statement was added which identifies the collection agency as the first referral in cases of default. If the collection agency is unsuccessful, the matter is referred to the Attorney General.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes ☐ No ☒14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

**If Yes:**

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

- (5) Summary and Purpose of Rules:  
Encompasses the use of a collection agency in addition to the Attorney General's Office, when necessary.
- (16) Information and Questions regarding this Adopted Rulemaking shall be directed to:  
Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

**The full text of the Adopted Amendments begins on the next page:**

Section 595.10

## Definitions

## SUBPART B: ELIGIBILITY AND APPLICATION

**Section**  
**595.100**  
**595.110**

## Eligibility Application

### SUBPART C: AWARD OF LOANS

**Section**  
**595.200**  
**595.210**

## Criteria for Award of Loans Determination of Financial Need

## SUBPART D: TERMS OF PERFORMANCE

**Section**  
**595.300**  
**595.310**  
**595.320**

**Contract  
Repayment of Loan  
Forgiveness of Loan**

**595.Appendix A**  
**595.**Appendix B

**Illinois Baccalaureate Nursing Assistance Program Contract**  
**Illinois Baccalaureate Nursing Assistance Program Contract for Repayment**

**AUTHORITY:** Implementing and authorized by the Baccalaureate Assistance Law for Registered Nurses (Ill. Rev. Stat. 19895, ch. 144, pars. 1401 et seq.).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 12689, effective June 28, 1984, for a maximum of 150 days, modified in response to objections of the Joint Committee on Administrative Rules at 8 Ill. Reg. 17939, effective September 14, 1984, for a period not to exceed the 150 day maximum effective period of the emergency rules; adopted at 8 Ill. Reg. 22874, effective November 13, 1984; amended at 12 Ill. Reg. 3757, effective February 1, 1988; amended at 15 Ill. Reg. 17349, effective November 15, 1991.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART A: INTRODUCTION

## Section 595.10 Definitions

"ACADEMIC YEAR" MEANS THE PERIOD OF TIME FROM SEPTEMBER 1 OF ONE YEAR THROUGH AUGUST 31 OF THE NEXT YEAR: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"APPROVED INSTITUTION" MEANS A COLLEGE OR UNIVERSITY LOCATED IN THIS STATE WHICH HAS NATIONAL LEAGUE FOR NURSING ACCREDITATION FOR THE BACCALAUREATE DEGREE PROGRAM IN NURSING: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"BOARD" MEANS THE BOARD OF HIGHER EDUCATION CREATED BY "AN ACT CREATING A BOARD OF HIGHER EDUCATION, DEFINING ITS POWERS AND DUTIES, MAKING AN APPROPRIATION THEREFOR, AND REPEALING AN ACT THEREIN NAMED", APPROVED AUGUST 22, 1961, AS NOW OR HEREAFTER AMENDED: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"ENROLLMENT" MEANS THE ESTABLISHMENT AND MAINTENANCE OF AN INDIVIDUAL'S STATUS AS A STUDENT IN AN APPROVED INSTITUTION, REGARDLESS OF THE TERMS USED AT THE INSTITUTION TO DESCRIBE SUCH STATUS: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

"Full time student" means a student who is enrolled for at least 12 credit hours in a school term.

"Part time student" means a student who is enrolled for at least 4 and less than 12 credit hours in a school term.

"Permanent legal residence" means the applicant's permanent home address.

"Professional nursing practice" means any type of nursing practice that is included in the definition of the practice of registered professional nursing in the current Illinois Nursing Act (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 111, par. 3501 et seq. 340<sup>5</sup>, as amended).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

"Qualifies for admission" means that a student has completed the requirements for entry into the baccalaureate nursing program at the approved institution, as documented by the institution.

"REGIONS" MEANS THE OFFICIAL AND UNIFORM STATE PLANNING AND ADMINISTRATIVE REGIONS ESTABLISHED BY THE GOVERNOR BY EXECUTIVE ORDER NO. 71-7: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"REGISTERED NURSE" OR "PROFESSIONAL NURSE" MEANS HOLDING A VALID EXISTING LICENSE IN GOOD STANDING AS A REGISTERED PROFESSIONAL NURSE ISSUED BY THE DEPARTMENT OF PROFESSIONAL REGULATION REGISTRATION AND EDUCATION UNDER THE ILLINOIS NURSING ACT OF 1987: (Ill. Rev. Stat. 1989<sup>5</sup>, ch. 144, par. 1403).

"School term" means an academic term, such as a semester, quarter, or trimester, as defined by the approved institutions.

"Student in good standing" shall mean a student maintaining at least a "C" average.

"Substantially Full-time Academic Work" means enrollment for 12 or more credit hours per term.

"Substantially Full Working Time" means at least 24 hours per week for those persons working weekend shifts, or 35 hours per week for those working weekday shifts.

"Substantially Half-time Academic Work" means enrollment for less than 12, but at least 4, credit hours per term.

"Substantially Half Working Time" means 17.5 hours or more per week.

"Tuition" means the established charges of an institution of higher learning for instruction at that institution.

"Total and permanent disability" means a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs the ability of an individual to engage in the practice of professional nursing or to engage in graduate post-baccalaureate studies in nursing as evidenced by a written statement from the individual's attending physician.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## SUBPART B: ELIGIBILITY AND APPLICATION

## Section 595.100 Eligibility



## DEPARTMENT OF PUBLIC HEALTH

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To be eligible to receive a loan under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Baccalaureate Assistance Law for Registered Nurses (Ill. Rev. Stat. 19895, ch. 144, par. 1405) which states that an applicant must:

- a) BE A REGISTERED NURSE;
- b) HAVE HAD ONE YEAR OF PERMANENT LEGAL RESIDENCE IN ILLINOIS;
- c) BE ENROLLED IN A BACCALAUREATE DEGREE PROGRAM IN PROFESSIONAL NURSING IN AN APPROVED INSTITUTION OR PRESENT WRITTEN ASSURANCE FROM AN APPROVED INSTITUTION OF BEING QUALIFIED FOR ADMISSION TO THE BACCALAUREATE PROGRAM IN PROFESSIONAL NURSING; and;
- d) HAVE FINANCIAL RESOURCES SUCH THAT IN THE ABSENCE OF SCHOLARSHIP AID, APPLICANT WILL BE DETERRED BY FINANCIAL CONSIDERATIONS FROM COMPLETING THE BACCALAUREATE PROGRAM IN PROFESSIONAL NURSING AT AN APPROVED INSTITUTION.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## Section 595.110 Application

- a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from the Department. Applications submitted must include:

- 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or state income tax return filed the year prior to application, or a copy of a utility bill from one year prior to the application with the address indicated, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State
  - 2) proof of applicant's enrollment in or qualification for admission to an approved baccalaureate nursing program, documented by academic advisor's signature on a form included in the application packet
  - 3) a copy of applicant's current registered nurse license
  - 4) information about other sources of financial aid, including tuition reimbursement from employer(s).
- b) An applicant will be deemed to be "DETERRED BY FINANCIAL CONSIDERATIONS FROM COMPLETING THE BACCALAUREATE PROGRAM IN PROFESSIONAL NURSING" if analysis of his/her financial data, according to the formula in

## DEPARTMENT OF PUBLIC HEALTH

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Section 595.210, indicates a level of financial need that is greater than zero. (Ill. Rev. Stat. 19895, ch. 144, par. 1405).

- c) Information requested on the application form other than the information listed in Section 595.110(a) will be used for statistical and program evaluation purposes only, and shall not be used as criteria for determination of loan awards. Decisions regarding award of loans will be based upon the provision of information specified in Section 595.110 (a) and the criteria in Sections 595.100 and 595.200 of this Part.
- d) Applicants must sign the application form providing for a release of information for the Department to verify any and all statements in the application as necessary.
- e) Incomplete applications and those received after application deadlines will not be considered for loan awards.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## SUBPART C: AWARD OF LOANS

## Section 595.200 Criteria for Award of Loans

- a) Loans for tuition and loans for expenses will be awarded by the Department through approved institutions. Loans will be awarded to eligible students who agree to the provisions of the contract, selected based on fulfilling the eligibility requirements as outlined in Section 595.100 of this Part. THE DEPARTMENT SHALL ALLOCATE THE LOANS BY REGION ACCORDING TO THE REGION'S PROPORTIONATE SHARE OF THE TOTAL NUMBER OF REGISTERED NURSES IN THAT REGION AS LAST CERTIFIED BY THE DEPARTMENT OF PROFESSIONAL REGULATION REGISTRATION AND EDUCATION. ANY LOAN NOT USED IN ONE REGION MAY BE ALLOCATED TO ANOTHER REGION. (Ill. Rev. Stat. 19895, ch. 144, par. 1406). Any available funding shall be reallocated evenly among all regions in the insufficient funds necessary to fulfill all applications. When the number of eligible applicants exceeds the amount of loan funds to be awarded, all applications shall be ranked according to the following criteria:

- 1) receipt of loan funds in the previous academic year; and
  - 2) least number of hours remaining to complete the Bachelor's of Science in Nursing (BSN) degree.
- b) Loan awards shall be made for a maximum of \$2,000 for tuition and fees per year for the part-time recipient. The part-time recipient shall not receive loan funds exceeding the aggregate of \$4,000 for the total time recipient may take to complete the degree.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- c) Recipients enrolled on a full-time basis (12 hours or more) receive a living expense stipend of up to \$2,500 per year in addition to the tuition and fees award. The full-time recipient may receive a loan for no more than 2 years.
- d) The amount of the loan funds paid to an approved institution on behalf of the recipient is based on the payment request form submitted each school term by the financial aid office at the institution. The recipient's tuition/fee amount less any other federal or state gift assistance is entered on the form as well as the number of hours of enrollment. Tuition/fee amounts are paid according to these figures up to the annual maximum and if enrollment of 12 hours or more is reported a living expense stipend is paid according to the following definitions:

- 1) two (2) semesters are equivalent to an academic year and each semester of full-time enrollment warrants a stipend of \$1,250.
- 2) three (3) quarters or trimesters are equivalent to an academic year and each quarter/trimester warrants a stipend of \$833.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## SUBPART D: TERMS OF PERFORMANCE

## Section 595.300 Contract

- a) Each loan recipient shall enter into a binding contract with the State of Illinois agreeing to the provisions of the Act and this Part.
- b) THE DEPARTMENT shall REQUIRE A LOAN RECIPIENT TO REIMBURSE THE STATE FOR EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, INCURRED BY THE DEPARTMENT OR OTHER AGENT OF THE STATE FOR A SUCCESSFUL LEGAL ACTION AGAINST THE RECIPIENT FOR A BREACH OF ANY PROVISION OF THE CONTRACT; (Ill. Rev. Stat. 1989 $\frac{5}{5}$ , ch. 144, par. 1404).

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## Section 595.310 Repayment of Loan

- a) Recipients who fail to complete their degree due to academic failure or voluntary actions on their part must repay the loan to the State of Illinois beginning one year after termination of studies. Recipients who obtain a BSN but fail to meet the forgiveness requirement as stated in Section 595.320 of this Part, must also repay the loan beginning at the end of the first academic year following the completion of the BSN degree.
- b) Recipients subject to repayment shall enter into a repayment contract with the Department

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

as soon as the status for payback has been established. This contract shall specify the amount due to be repaid, the schedule for repayment, and all other terms of the repayment.

- c) In the event a loan recipient fails to pay monies owed to the Department, the Department shall refer the matter to the Attorney General or to a collection agency. If the collection agency is unsuccessful, the Department shall refer the matter to the Attorney General.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## Section 595.320 Forgiveness of Loan

- a) A loan to a recipient shall be excused and deemed satisfied pursuant to the requirements of Section 8 of the Act as follows:

- 1) If a loan is provided for full-time academic work the loan is excused when the recipient has documented:

Aa) SUBSTANTIALLY FULL-TIME POST-BACCALAUREATE STUDIES IN PRACTICE OR FULL-TIME POST-BACCALAUREATE STUDIES IN NURSING AT AN APPROVED INSTITUTION IN ILLINOIS FOR A NUMBER OF YEARS EQUAL TO THE NUMBER OF YEARS LOAN FUNDS WERE RECEIVED OR (Ill. Rev. Stat. 1989 $\frac{5}{5}$ , ch. 144, par. 1408)

Bb) SUBSTANTIALLY HALF-TIME PROFESSIONAL NURSING PRACTICE OR HALF-TIME POST-BACCALAUREATE STUDIES IN NURSING AT AN APPROVED INSTITUTION IN ILLINOIS FOR TWICE THE NUMBER OF YEARS AS THE NUMBER OF YEARS LOAN FUNDS WERE RECEIVED. (Ill. Rev. Stat. 1989 $\frac{5}{5}$ , ch. 144, par. 1408)

- 2) If a loan is provided for part-time academic work the loan is excused when the recipient has documented:

Aa) SUBSTANTIALLY FULL-TIME POST-BACCALAUREATE STUDIES IN PRACTICE OR FULL-TIME POST-BACCALAUREATE STUDIES IN NURSING AT AN APPROVED INSTITUTION IN ILLINOIS FOR ONE-HALF ( $\frac{1}{2}$ ) THE NUMBER OF YEARS AS THE NUMBER OF YEARS LOAN FUNDS WERE RECEIVED OR (Ill. Rev. Stat. 1989 $\frac{5}{5}$ , ch. 144, par. 1408)

Bb) SUBSTANTIALLY HALF-TIME POST BACCALAUREATE STUDIES IN PRACTICE OR HALF-TIME POST BACCALAUREATE STUDIES IN



## DEPARTMENT OF PUBLIC HEALTH

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NURSING AT AN APPROVED INSTITUTION IN ILLINOIS FOR A NUMBER OF YEARS EQUAL TO THE NUMBER OF YEARS LOAN FUNDS WERE RECEIVED. (Ill. Rev. Stat. 19895, ch. 144 par. 1408)

- b) Forms to document the above are sent to the recipient by the Department at the appropriate time according to the date of completion of the BSN degree. When the loan is determined to be satisfied, the recipient is officially notified and the record is closed.
- c) If a recipient dies or suffers total and permanent disability either while pursuing the degree, or after completing the degree if is the recipient is engaged in an activity as described in this Section up to the onset of the fatal illness or such disability, the loan or any balance due on it shall be excused and deemed satisfied.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

595 Appendix A Illinois Baccalaureate Nursing Assistance Program Contract

The Illinois Department of Public Health (Department) and (Student) hereby agrees as follows:

- 1) Department shall pay the sum of \$2,000 or an amount equal to the amount of tuition and fees, whichever is less if said Student is enrolled for at least four semester hours or the equivalent in a school term; and in addition, if said Student is enrolled for at least 12 semester hours or the equivalent in a school term, Department will pay up to \$2,500 for living expenses to

(Name of School)

on behalf of Student pursuant to the Baccalaureate Assistance Law for Registered Nurses, (Ill. Rev. Stat. Illinois Revised Statutes 19895, cCh. 144, pPar. 1403-1406, and 1408 as amended), which is made a part hereof and fully incorporated herein.

- 2) All funds paid to Student through the above named organization by Department pursuant to this Contract agreement constitute a loan of money which shall be repaid to Department by Student, unless Student is excused from repayment by Department pursuant to the terms of this Contract agreement.

- 3) Following the award of a baccalaureate degree in nursing to Student, the loans to Student shall be excused and deemed satisfied: a) for an applicant who has received a loan for substantially full-time academic work, after the applicant has engaged for an equal number of academic years as the number of academic years for which the loan was received, for substantially full working time, in Illinois, in either professional nursing practice or the pursuit of full-time graduate post-baccalaureate studies in nursing in an approved institution, or both, or has engaged for twice the number of academic years for which the loan was received, for substantially half working time, in Illinois, in either professional nursing practice or in the pursuit of substantially half-time graduate post-baccalaureate studies in nursing in an approved institution, or both; or b) for an applicant who has received a loan for substantially half-time academic work, after applicant has engaged for half the number of academic years for which the loan was received, for substantially full working time, in Illinois, in either professional nursing practice or the pursuit of full-time graduate post-baccalaureate studies in nursing in an approved institution, or both, or has engaged in an equal number of academic years as the number of years for which the loan was received, for substantially half working time, in Illinois, in either professional nursing practice or in the pursuit of substantially half-time graduate post-baccalaureate studies in nursing in an approved institution, or both.

- 4) Except for an academic year in which Student becomes entitled to the aforementioned waiver of loan and interest, all loans to a Student shall be payable in six (6) equal annual installments beginning at the first (a) at the end of the first academic year following Student's successful completion of studies for a baccalaureate in nursing of (b) one year



## DEPARTMENT OF PUBLIC HEALTH

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## Appendix A (cont.)

## Appendix A (cont.)

after termination of Student's baccalaureate nursing studies if Student terminates such studies, with seven (7) percent interest per annum on the entire principal, beginning with the first period of which any part of the loan is repayable and payable annually.

- 5) If Student dies or suffers total and permanent disability either while pursuing studies under this Act or, after Student's completion of baccalaureate degree, while engaging in Illinois in either a one-year or a two-year program as described in #3, up to the onset of fatal illness or such disability, the loan or any balance due on it shall be excused and deemed satisfied.

- 6) Student shall report or cause the recipient School to report, any federal or state assistance awarded to said Student as well as any tuition reimbursement awarded by employer to assist pursuit of a baccalaureate degree in nursing for the academic year in which the loan is to be received.

- \*7) Student shall notify Department of the following in writing within seven (7) days:

- a) change in major course of study;
- b) change in address;
- c) illness or disability affecting obligations of this Contract agreement; and

- d) action by or notice of potential action by Department of Professional Regulation ~~Registration and Education~~ regarding Student's nursing license.

- \*8) Notwithstanding any other provision of this Contract agreement, Student shall repay in full all funds received by Student pursuant to this Contract agreement in the event of breach of any provision of this Contract agreement by Student within sixty (60) days of written demand of Department.

- 9) Department shall require Student to reimburse the State of Illinois for expenses, including but not limited to attorney's fees, incurred by Department or to an other agent of the State for a successful legal action against the Student recipient for a breach of any provision of the loan Contract agreement. Student understands and agrees that the Department shall refer amount due to a collection agency, and that if the collection agency is unsuccessful to the Attorney General.

- 10) This Contract ~~The agreement~~ shall be governed in all respects by the laws of the State of Illinois.

- 11) This Contract shall agreement ~~may~~ not be amended without prior written approval of both Department and Student.

- 12) This Contract shall agreement ~~may~~ not be sold, assigned, or transferred in any manner.

- 13) Department and Student understand and agree that this Contract agreement constitutes the total agreement between them and that no promises, terms, or conditions not recited herein or incorporated herein, or referenced herein shall be binding upon either Department or Student.

- 14) Student hereby certifies that Student has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Student made an admission of guilt of such conduct which is a matter of record.

- 15) In the event the Baccalaureate Assistance Law for Registered Nurses is amended while this Contract agreement is in effect, this Contract agreement shall be amended automatically to incorporate such amendments to such Law; provided, however that obligations of Student shall not be increased.

- 16) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.

- 17) The terms of this Contract ~~are~~ is for the period June 30, 1988 ~~August 15, 1987~~ through June 30, 1988. It is further understood between the parties hereto that this Contract is subject to appropriations to Department, in subsequent years, for the purpose herein described.

- 18) Student agrees Department shall ~~may~~ verify compliance with and performance pursuant to any and all provisions of this Contract agreement and grants permission to any and all persons and institutions to release all information requested by Department.

- \*19) Student understands that, according to the Baccalaureate Assistance Law for Registered Nurses, as a full-time loan recipient loan awards shall ~~may~~ be made for a maximum of two years, and as a part-time loan recipient loan awards shall ~~may~~ not exceed the aggregate of \$4,000.

- 20) Student certifies he/she is not in default on an educational loan as provided in Section 30-15.12 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.12) and Section 2 of the Educational Loan Default Act (Ill. Rev. Stat. 1989, ch. 127, par. 3552).



Appendix A (cont.)

21) Under penalties of perjury, Student certifies that the social security number shown below is the correct Federal Taxpayer Identification Number.

Effective this day of 1987.

Student  
Director of Public Health  
Social Security Number

\*AGENCY NOTE: The provisions of this standard grant contract which are marked with an asterisk are subject to negotiation and amendment upon mutual agreement of the parties.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)

595 Appendix B: Illinois Baccalaureate Nursing Assistance Program Contract for Repayment

The Illinois Department of Public Health (the Department) and (the Contractor) hereby agree as follows:

- 1) Item 4 of Contract (Student Contract Number) and the Contractor on (Date) requires that a Student who does not become entitled to a waiver of the loan(s) received, shall repay the loan with 7% interest per annum on the entire principal in six equal annual installments. A copy of Contract is attached and shall become a part of this Contract.
- 2) The contractor has elected to repay all funds in lieu of obtaining a waiver of the loan amount because: (Circle One)
  - a) Contractor has not completed BSN degree and is no longer pursuing it through appropriate enrollment in a baccalaureate nursing program; OR
  - b) Contractor has moved out of the State of Illinois and is therefore unable to obtain a waiver through documentation of employment as a professional nurse or enrollment in a master's degree in a nursing program in Illinois; OR
  - c) Contractor has elected not to be employed as a professional nurse in Illinois and elected not to enroll in a master's degree in nursing program in Illinois; OR
  - d) Contractor has voluntarily agreed to repay loan funds.

3) The Contractor received loan funds totalling \$ in academic year(s) . Payments were made to (Name of Institution) on behalf of the Contractor.

4) Contractor is due to make first payment of , on and continue with payments due as follows:

Payment #2 in the amount of \$	due on
Payment #3 in the amount of \$	due on
Payment #4 in the amount of \$	due on
Payment #5 in the amount of \$	due on
Payment #6 in the amount of \$	due on

\*5) Repayment checks are to be made payable to "Illinois Department of Public Health" and mailed to Illinois Department of Public Health, Division of Financial Services, 535 West



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Appendix B (cont.)

Jefferson Street, Springfield, Illinois 62761, ~~attention Juanita Logsdon~~. Payments are to be postmarked on or before the first day of the month in which the payment is due.

\*6) Non-payment of a scheduled payment means the Department shall refer amount due to the Attorney General or to a collection agency ~~may file suit to collect all sums and future sums due and owing under this Contract~~.

7) The Department shall require the Contractor to reimburse the State for expenses, including but not limited to attorney's fees, incurred by the Department or other agent of the State for a successful legal action against the Contractor for a breach of this Contract.

\*8) Contractor shall inform the Department, in writing, within 14 days of any change of address or any disability affecting obligations of this Contract.

9) This Contract shall be governed in all respects by the laws of the State of Illinois.

10) This Contract shall ~~may~~ not be amended without prior written approval of both Department and Contractor.

11) This Contract ~~shall~~ may not be sold, assigned or transferred in any manner.

12) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated, or referenced herein shall be binding upon either Department or Contractor.

13) In the event the Baccalaureate Assistance Law for Registered Nurses is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments to such Law. However, obligations of Contractor shall not be increased.

14) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, the remaining terms and conditions shall remain in full force and effect.

15) This Contract shall remain in full force and effect until Contractor has repaid all funds to the Department pursuant to the terms of this Contract.

16) Under penalties of perjury, Contractor certifies that the social security number shown below is the correct Federal Taxpayer Identification Number.

Effective this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Appendix B (cont.)

Contractor CONTRACTOR

Director of Public Health

Social Security Number

\*AGENCY NOTE: The provisions of this standard contract which are marked with an asterisk are subject to negotiation and amendment upon mutual agreement of the parties.

(Source: Amended at 15 Ill. Reg. 17349, effective November 15, 1991)



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Individualized Written Rehabilitation Program
- 2) Code Citation: 89 Ill. Adm. Code 572
- 3) Section Numbers: Adopted Action:  
572.90 Amendment
- 4) Statutory Authority: Implementing and authorized by the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): November 19, 1991
- 6) Does this rulemaking contain an automatic repeal date?  
— Yes ☒ No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 13, 1991
- 9) Notice of Proposal Published in Illinois Register:  
June 7, 1991, 15 Ill. Reg. 8541  
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)
- B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)
- C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 14) Are there any amendments pending on this Part: No  
Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): Section 572.90 has been revised to correct a clerical error.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Acting Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 785-9301

The full text of Adopted Amendment(s) begins on the next page:



DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 572

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

Section

- 572.10 General Applicability
- 572.20 Commencement of the IWRP
- 572.40 Coordination of the IWRP with an Individualized Education Program (IEP)
- 572.50 General Information on IWRP Development and Implementation
- 572.60 Contents of the IWRP
- 572.70 Services to Families
- 572.80 IWRP Amendments
- 572.90 Notice of Changes to the IWRP
- 572.100 Case File Documentation
- 572.200 Reporting of Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a),(b), and (k))

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990.; amended at 15 Ill. Reg. 17367, effective November 19, 1991.

Section 572.90 Notice of Changes to the IWRP

Adequate, timely notification of any DORS - initiated change to the IWRP must be provided to the client. Such notification must be made in writing at least 15 work days prior to the effective date of change unless the client has signed the IWRP indicating agreement with the change. The notification must state the items contained in 89 Ill. Adm. Code 510.60(ed).

(Source: Amended at 15 Ill. Reg. 17367, effective November 19, 1991)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Non-Academic Programs and Policies
- 2) Code Citation: 89 Ill. Adm. Code 830
- 3) Section Numbers: Adopted Action:  
830.140 New Section
- 4) Statutory Authority: Implementing and authorized by the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, pars. 3442, and 3434(f)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): November 19, 1991
- 6) Does this rulemaking contain an automatic repeal date?  
— Yes ☒ No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 13, 1991
- 9) Notice of Proposal Published in Illinois Register:  
March 22, 1991, 15 Ill. Reg. 4397  
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

- A) Statement of Objection: (issue date), Ill. Reg. \_\_\_\_\_
- B) Agency Response: (issue date), Ill. Reg. \_\_\_\_\_
- C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes  
No
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENT

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): Section 830.140 is being added to specify policies regarding visits to the DORS schools.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Acting Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 785-9301

The full text of Adopted Amendment(s) begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENT

## TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER f: EDUCATIONAL FACILITIES

## PART 830

## NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools

**AUTHORITY:** Implementing Sections 10 and 11 and authorized by Section 3(f) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3441, 3442, and 3434(f)).

**SOURCE:** Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991, amended at 15 Ill. Reg. 17370, effective November 19, 1991

Section 830.140 Visits to Schools

- a) All visits (e.g. parent-teacher conferences, tours of the school facilities and contact by outside agencies, individuals, and businesses regarding materials, services and programs) to the Department of Rehabilitation Services (DORS) schools from DORS students' parents and family members, community members, and other interested individuals must be scheduled with the appropriate school administrator. This policy does not apply to DORS' staff or to anyone who is properly on campus (e.g., Client Assistance



DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

program clients at IC SRC, visitors to the Heritage Cultural Center and parents and children at the Nursery School at ISD), but only while in an area appropriate to the purpose of the visit.

b) When a visitor to a DORS' school arrives on campus, the visitor must proceed to the administration office to receive a visitor's permit.

c) Visits must be of a duration and manner which is neither disruptive to ongoing programming nor of a threatening or argumentative nature.

d) The superintendent of the school or designee shall terminate a visit, and may report the individual(s) responsible to the proper law enforcement agency, if an individual is:

- 1) in or about any school building or grounds without a valid visitor's permit; or
- 2) engaged in disorderly conduct.

(Source: Added at 15 Ill. Reg. 17370, effective November 19, 1991)

SAVINGS AND LOAN ADVISORY BOARD

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Appeals To The Savings and Loan Advisory Board

2) Code Citation: 38 Ill. Adm. Code 500

3) Section Numbers      Section Numbers      Adopted Action

500.10	500.390	Repeal
500.110	500.510	Repeal
500.120	500.610	Repeal
500.130	500.620	Repeal
500.140	500.630	Repeal
500.150	500.640	Repeal
500.160	500.650	Repeal
500.170	500.710	Repeal
500.180	500.810	Repeal
500.190	500.820	Repeal
500.200	500.830	Repeal
500.210	500.840	Repeal
500.310	500.850	Repeal
500.320	500.860	Repeal
500.330	500.870	Repeal
500.340	500.880	Repeal
500.350	500.890	Repeal
500.360	500.900	Repeal
500.370	500.1010	Repeal
500.380		Repeal

4) Statutory Authority:

Implementing and authorized by Sections 7-20 through 7-27 of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, par. 3307-20 through 3307-27).

5) Effective Date of Repealer: November 14, 1991.

6) Does this rulemaking contain an automatic repeal date: No.

7) Does this rulemaking contain incorporations by reference: No.

8) Date Filed in Agency's Principal Office: March 29, 1991.

9) Notice of Proposed Repealer Published in Illinois Register: April 12, 1991, 15 Ill. Reg. 5162.

10) Has JC AR issued a Statement of Objections to this rule: No.



## SAVINGS AND LOAN ADVISORY BOARD

## NOTICE OF ADOPTED REPEALER

11) Differences between proposal and final version:  
There is no difference between proposed repealer and final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: No  
agreements between the Savings and Loan Board and JCAR were necessary to resolve questions concerning the above-referenced rulemaking.

13) Will this repealer replace an emergency repealer currently in effect: No.

14) Are there any amendments pending on this Part: No.

15) Summary and Purpose of Rule:

The rules in this Part implement the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, pars. 3307-20 through 3307-27) which authorizes the Savings and Loan Board the power to adopt regulations for the holding and conducting of meetings and for holding hearings concerning all matters within its powers.

16) Information and questions regarding this Adopted Rule shall be directed to:

Mr. Jay R. Stevenson, Deputy Commissioner  
Office of the Commissioner of Savings and Residential Finance  
500 East Monroe, Suite 800  
Springfield, Illinois 62701-1509  
217/782-6169

## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Savings and Loan Board

2) Code Citation: 38 Ill. Adm. Code 500

Section numbers	Section numbers	Adopted Action
500.100	500.510	New Section
500.200	500.520	New Section
500.210	500.530	New Section
500.220	500.540	New Section
500.230	500.550	New Section
500.300	500.560	New Section
500.310	500.570	New Section
500.320	500.580	New Section
500.330	500.590	New Section
500.340	500.600	New Section
500.400	500.610	New Section
500.410	500.620	New Section
500.420	500.630	New Section
500.430	500.640	New Section
500.440	500.650	New Section
500.450	500.660	New Section
500.460	500.670	New Section
500.470	500.680	New Section
500.480	500.690	New Section
500.490	500.700	New Section
500.500	500.710	New Section

4) Statutory Authority:

Implementing and authorized by Sections 7-20 through 7-27 of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, pars. 3307-20 through 3307-27).

5) Effective Date of Adopted Rules: November 14, 1991.

6) Does this rulemaking contain an automatic repeal date: No.

7) Does this rulemaking contain incorporations by reference: No.

8) Date Filed in Agency's Principal Office: March 29, 1991.

9) Notice of Proposal Published in Illinois Register:  
April 12, 1991, 15 Ill. Reg. 5179.

10) Has JCAR issued a Statement of Objections to this rule:  
No.



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11) Differences between proposal and final version:

Section 500.340: Delete the text "when required" and insert "upon request of the Board".

Section 500.420: In line 2 delete the word "to" after the word "addressed" and add a comma after the phrase "and mailed to".

Section 500.450(a)(2): Amend the following phrase "...any bona fide officer, employee or representative, or may be represented by an attorney...", to read "...any bona fide officer or employee, or may be represented by an attorney...".

Section 500.490(f): Correct the spelling of "parities" to "parties".

Section 500.520: Delete "Hearing Officer upon the" from the first sentence so that when revised, it reads, "A hearing may be postponed or continued for due cause by the Hearing Officer's own motion...". Add to the end of the paragraph the following new language: "In considering whether to grant such motion, the Hearing Officer shall consider such factors as: availability of counsel; state of proceedings; and number of previous requests and the reasons for such requests."

Section 500.580(a): Add a period after the word "made" in the first sentence; delete the next word "setting"; and, begin a new sentence by inserting "Such affidavit shall set" prior to the words "forth allegations".

Section 500.610(a): Delete all of language in subsection (a) and replace new language to read as follows:

(a) "The Hearing Officer shall receive evidence which is admissible under rules of evidence as applied by courts in Illinois pertaining to civil actions except as these rules otherwise provide."

Section 500.690(c): Include at the end of subsection (c) after the word "Board", the following new language: "not later than sixty (60) days after the conclusion of the hearing."

Section 500.700(a): Include at the end of subsection (a) after the word "record", the following new language: "not later than sixty (60) days after receipt of the Hearing Officer's report."

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes.

13) Will this rule replace an emergency rule currently in effect: No.

14) Are there any amendments pending on this Part: No.

15) Summary and Purpose of Rule:

The rules in this Part implement the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, pars. 3307-20 through 3307-27) which authorizes the Savings and Loan Board the power to adopt regulations for the holding and conducting of meetings and for holding hearings concerning all matters within its powers.

16) Information and questions regarding this Adopted Rule shall be directed to:

Mr. Jay R. Stevenson, Deputy Commissioner  
Office of the Commissioner of Savings and Residential Finance  
500 East Monroe, Suite 800  
Springfield, Illinois 61701-1509  
217/782-6169

The full text of the Adopted Rules begin on the next page:



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TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER IV: SAVINGS AND LOAN BOARDPART 500  
SAVINGS AND LOAN BOARD

## SUBPART A: GENERAL PROVISIONS

Section  
500.100

Applicability

## SUBPART B: MEETINGS

500.200 Regular Meetings  
500.210 Special Meetings  
500.220 Notice of Meetings  
500.230 Quorum

## SUBPART C: OFFICERS AND COMMITTEES

500.300 Officers  
500.310 Chairman  
500.320 Vice-Chairman  
500.330 Secretary  
500.340 Committees

## SUBPART D: HEARINGS BEFORE THE SAVINGS AND LOAN BOARD

500.400 Applicability  
500.410 Definitions  
500.420 Filing  
500.430 Form of Documents  
500.440 Computation of Time  
500.450 Appearances  
500.460 Request for Hearing and Filing of Verified Complaint  
500.470 Notice of Hearing  
500.480 Service of Notice of Hearing  
500.490 Motion and Answer  
500.500 Consolidation and Severance of Matters - Additional Parties  
500.510 Intervention  
500.520 Postponement or Continuance of Hearing  
500.530 Prehearing Conferences  
500.540 Discovery  
500.550 Admissions  
500.560 Subpoenas  
500.570 Authority of Hearing Officer  
500.580 Bias or Disqualification of Hearing Officer  
500.590 Authority of Board Members  
500.600 Conduct of Hearing

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## Section

500.610 Evidence  
500.620 Official Notice  
500.630 Viewing of Premises  
500.640 Admission of Business Records in Evidence  
500.650 Hostile Witnesses/Examination of Adverse Party  
500.660 Default  
500.670 Record of Proceedings  
500.680 Briefs  
500.690 Hearing Officer's Report  
500.700 Final Order of the Board  
500.710 Rehearings and Reopening of Hearings**AUTHORITY:** Implementing and authorized by Sections 7-20 through 7-27 of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, par. 3307-20 through 7-27).**SOURCE:** Filed August 15, 1973; codified at 8 Ill. Reg. 17916, September 14, 1984; old Part repealed, new Part adopted at 15 Ill. Reg. 17376, effective November 14, 1991.

## SUBPART A: GENERAL PROVISIONS

## Section 500.100 Applicability

The Rules in this Part apply to the Savings and Loan Board and the execution of the Board's powers as set forth in Sections 7-20 through 7-27 of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, pars. 3307-20 through 3307-27).

## SUBPART B: MEETINGS

## Section 500.200 Regular Meetings

The Savings and Loan Board shall hold regular meetings on the first Wednesday of every March, June, September and December. The Board shall designate the time and place for holding regular meetings.

## Section 500.210 Special Meetings

Special meetings of the Savings and Loan Board may be called by the Chairman or at the request of any three members of the Board or by the Commissioner of Savings and Residential Finance. The person or persons authorized to call special meetings of the Board shall designate the time and place for holding such special meeting.

## Section 500.220 Notice of Meetings

a) Public notice of regular and special meetings shall be



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made in compliance with the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, pars. 41 et seq.).

- b) Notice of any special meeting shall be given at least one (1) day previous thereto by written notice delivered personally or mailed to each member at the address on file with the Secretary of the Savings and Loan Board, or by telegram, telex, graphic scanning or other communication system. If mailed, such notice shall be deemed to be delivered when deposited in the United States' mail so addressed, with postage prepaid. If notice is given by telegram, telex, graphic scanning or other communication system, such notice shall be deemed to be delivered when notice is delivered to the telegram, telex, graphic scanning or other communication system. Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objection to the transaction of business because the meeting is not lawfully called or convened.

## Section 500.230 Quorum

A majority of the members of the Savings and Loan Board shall constitute a quorum provided, that if less than a majority of such number of members are present at said meeting, a majority of the members may adjourn the meeting. The Board or any committee of the Board may participate in and act at any meeting of such Board or committee through the use of telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

## SUBPART C: OFFICERS AND COMMITTEES

## Section 500.300 Officers

- a) The Savings and Loan Board shall elect a Chairman, Vice-Chairman and Secretary. Such officers shall be elected for a term of two (2) years at the first regular Board meeting of each second calendar year. Each officer shall hold office until his or her successor shall have been duly elected.

- b) Any officer may resign at anytime by giving notice to the Board or to the Chairman. A resignation of any officer

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need not be accepted in order to be effective.

- c) Any officer may be removed by the Board whenever in its judgement the best interests of the Board would be served thereby.

## Section 500.310 Chairman

The Chairman shall preside at all meetings of the Savings and Loan Board and shall perform all duties incident to the office of the Chairman and such other duties as prescribed by the Board.

## Section 500.320 Vice-Chairman

The Vice-Chairman shall assist the Chairman in the discharge of his or her duties as the Chairman may direct and shall perform such other duties as from time to time may be assigned by the Chairman. In the absence of the Chairman or in the event of the Chairman's inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman.

## Section 500.330 Secretary

The Secretary shall:

- a) keep the minutes of the meetings of the Savings and Loan Board and committees of members of the Board;
- b) see that all notice(s) are duly given;
- c) keep a register of the post office address of each member of the Board; and,
- d) in general perform all duties incident to the office of Secretary and such other duties as may be assigned to the Secretary by the Board.

## Section 500.340 Committees

A majority of the members of the Savings and Loan Board may, by resolution, create one or more committees and appoint one or more members of the Board to serve on one or more committees. Each committee shall have and exercise the authority to the extent provided by the Board's resolution. Each committee shall keep regular minutes of its proceedings and report to the Board upon request of the Board.



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## SUBPART D: HEARINGS BEFORE THE SAVINGS AND LOAN BOARD

## Section 500.400 Applicability

This Subpart shall apply to hearings conducted under the jurisdiction of the Savings and Loan Board pursuant to Section 7-23 of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, par. 3307-23).

## Section 500.410 Definitions

For purposes of this Subpart:

"Act" means the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch. 17, pars. 3301 et seq).

"Board" means the Savings and Loan Board.

"Commissioner" means the Commissioner of Savings and Residential Finance.

"Hearing Officer" means an attorney licensed in the State of Illinois who is the presiding official appointed by the Board to conduct a hearing.

"Respondent" means the party adversely affected by a decision, order or action of the Commissioner.

## Section 500.420 Filing

Documents and requests permitted or required to be filed in connection with a hearing shall be addressed and mailed to, or filed with the Savings and Loan Board, 205 West Randolph Street, Suite 1900, Chicago, Illinois 60606-1811, and upon appointment of a Hearing Officer, all documents and requests shall be submitted to the Hearing Officer.

## Section 500.430 Form of Documents

- a) All documents shall clearly show the title of the proceedings in connection with which they are filed.
- b) Three (3) copies of all documents including notices, motions and petitions, shall be filed with either the Board or Hearing Officer, as specified.
- c) All documents shall be typewritten or reproduced from typewritten copy on 8 1/2 x 11 inch white paper.

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- d) One (1) of the three (3) copies of each document filed shall be signed by the party or by the party's authorized representative or attorney and shall contain the name, address and telephone number of the individual(s) signing the documents.

- e) All documents required to be filed with the Hearing Officer shall be sent by certified mail, return receipt requested, to the Hearing Officer.

## Section 500.440 Computation of Time

Computation of any period of time prescribed by this Subpart shall begin with the first business day following the date of filing of the documentation with the Board or Hearing Officer and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is five (5) days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

## Section 500.450 Appearances

- a) Any person entitled to participate in proceedings may appear as follows:

- 1) a natural person may appear in that person's own behalf or by an attorney licensed in the State of Illinois, or both;
- 2) a business, non-profit or government organization may appear by any bona fide officer or employee, or may be represented by an attorney licensed in the State of Illinois, or both.

- b) Any attorney representing a party shall file a written notice of appearance with the Board or Hearing Officer which notice shall identify the attorney by name, address and telephone number.

## Section 500.460 Request for Hearing and Filing of Verified Complaint

- a) A request for hearing before the Board pursuant to Section 7-24 of the Act shall be in writing and shall be



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received by the Board within ten (10) days after receipt of the decision, order or action described in Section 7-24 of the Act.

- b) A verified complaint shall be filed with the Board within thirty (30) days of receipt of the decision, order or action described in Section 7-24 of the Act. The verified complaint shall:

- 1) clearly state the name of the Respondent;
- 2) identify the decision, order or action with respect to which a hearing is requested including an explicit admission, denial or appropriate response to each allegation or issue contained in such decision, order or action;
- 3) be signed by the Respondent; and
- 4) be sent by certified mail, return receipt requested to the Board at 205 West Randolph Street, Suite 1900, Chicago, Illinois 60606-1811.

## Section 500.470 Notice of Hearing

- a) Upon a determination by the Board that the verified complaint sets forth facts which, if proved, would constitute grounds for a reversal or change of any decision, order or action of the Commissioner as described in Section 7-24 of the Act, the Board shall issue a Notice of Hearing at least ten (10) days prior to the date set for the hearing.
- b) The Notice of Hearing shall set the date and location of the hearing, state the name and address of the Hearing Officer, and identify the matter of the hearing.
- c) The hearing shall be held not earlier than fifteen (15) days nor later than thirty (30) days after the date of receipt of the verified complaint.

## Section 500.480 Service of Notice of Hearing

Service shall be complete when the Notice of Hearing is served in person or deposited in the United States mail, postage prepaid, registered or certified, addressed to the last known address of the parties involved.

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## Section 500.490 Motion and Answer

- a) Any party receiving a Notice of Hearing may file an answer not later than five (5) days prior to the date of the hearing. All answers to motions preliminary to a hearing shall be presented to the Hearing Officer at least five (5) days prior to the date of hearing, or on such other date as the Hearing Officer shall designate and shall be served personally or by registered or certified United States mail.
- b) Unless made orally on the record during a hearing, or unless the Hearing Officer directs otherwise, an answer to a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, as appropriate, by a proposed order.
- c) Within five (5) days after service of a written motion, or such other period as the Hearing Officer may prescribe, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence. If no response is filed, the parties shall be deemed to have waived objection to the granting of the motion. The moving party shall have no right to reply, except as permitted by the Hearing Officer.
- d) No oral argument will be heard on a motion unless the Hearing Officer directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.
- e) A written motion will be disposed of by written order and on notice to all parties.
- f) The Hearing Officer shall rule upon all motions, except that the Hearing Officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceedings without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer to motion is made, before the commencement of the hearing.



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**Section 500.500 Consolidation and Severance of Matters - Additional Parties**

In the interest of convenient, expeditious and complete determination of matters, the Hearing Officer may: consolidate or sever hearing proceedings involving any number of parties whenever the matters involve common questions of fact and it can be done without prejudice to the parties; and, order additional parties to be brought in.

**Section 500.510 Intervention**

a) Upon timely written application, the Hearing Officer may permit such party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, if it is determined that:

- 1) such party may be adversely affected by a final order arising from the hearing; or,
  - 2) such party's circumstances and the hearing proceeding have a question of law or fact in common.
- b) All petitions for intervention shall be in writing and served upon every party and the Hearing Officer not later than ten (10) days prior to the date of the hearing. The Hearing Officer may permit later intervention when there is good cause for delay.

c) An intervenor shall have all the rights of an original party, except that the Hearing Officer may, in the order allowing intervention, provide that the petitioner and Respondent shall be bound by orders theretofore entered or by evidence theretofore received, that the complainant and Respondent shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the complainant and Respondent shall not raise new issues or add new parties, or that in other respects the complainant and Respondent shall not interfere with the control of the hearing, as justice and avoidance of undue delay may require.

**Section 500.520 Postponement or Continuance of Hearing**

A hearing may be postponed or continued for due cause by the Hearing Officer's own motion or upon motion of a party to the hearing; such motion of the party shall set forth facts attesting that the request for continuance is not for purposes of delay.

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Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously. In considering whether to grant such motion, the Hearing Officer shall consider such factors as: availability of counsel; state of proceedings; and number of previous requests and the reasons for such requests.

**Section 500.530 Prehearing Conferences**

a) Upon written notice by the Hearing Officer in any proceeding, or upon written request by any party, the Hearing Officer may direct parties or their attorneys to appear at a specified time and place for a conference, prior to or during the course of hearing, for the purpose of formulating issues and considering:

- 1) the simplification of issues;
- 2) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- 3) the possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record to avoid unnecessary introduction of proof;
- 4) the limitation of the number of witnesses;
- 5) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and,
- 6) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b) Opportunity shall be afforded to dispose of the case by stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order reached shall be submitted in writing to the Hearing Officer and shall become effective only if approved by the Hearing Officer and by the Board. The Board shall consider, but not be limited to, the following factors in approving or disapproving a stipulation, agreed settlement or consent order:



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- 1) the nature of the disposition relative to the administrative decision originally issued; and
- 2) the severity of the violation of law or rule and the party's history of past violations of law or unsafe and unsound business practices.
- c) Only if all parties to a proceeding agree, a record of the prehearing conference shall be kept and be certified to by the parties.

## Section 500.540 Discovery

- a) The following discovery procedures may be ordered by the Hearing Officer upon the Hearing Officer's initiative or upon the written request of any party where necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:
  - 1) production of documents or things;
  - 2) depositions;
  - 3) interrogatories.
- b) The Hearing Officer may order the following discovery upon written request of any party:
  - 1) list of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing;
  - 2) reasonable inspection of books, accounts, records and documents by experts.
- c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Subpart may be examined regarding any matter, not privileged, which is relevant to the subject matter of the hearing, or which may lead to the discovery of such relevant information.
- d) All depositions and interrogatories taken pursuant to this Subpart shall be for purposes of discovery only, except as herein provided. Such depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Upon application to the Hearing Officer either before or

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after the taking of such deposition or interrogatories and upon a showing that at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.

## Section 500.550 Admissions

- a) Request for Admission of Fact. A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request.
- b) Request for Admission of Genuineness of Document. A party may serve on any other party a written request for admission of the genuineness of any relevant documents described in the request. Copies of the document shall be served with the request unless copies have already been furnished.
- c) Admission in the Absence of Denial. Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within twenty (20) days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the Hearing Officer upon prompt notice and motion of the party making the request.
- d) Effect of Admission. Any admission made by a party pursuant to request under this Section is for the purpose



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of the pending action only. It does not constitute an admission by him for any other purpose and may not be used against him in any other proceeding.

- e) Expenses of Refusal to Admit. If a party, after being served with a request to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of fact, such party may apply to the Hearing Office for an order requiring the denying party to pay such requesting party the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Unless the Hearing Officer finds that there were good reasons for the denial or that the admissions sought were of no substantial importance, the order shall be made.

## Section 500.560 Subpoenas

- a) Upon written application to the Hearing Officer by any party incorporating a showing that a subpoena is reasonably required, the Hearing Officer may issue a subpoena for relevant facts at a deposition or hearing, and producing of books, papers, accounts and documents at such deposition or hearing.

- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place therein specified.

- c) The Hearing Officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable and oppressive.

## Section 500.570 Authority of Hearing Officer

The Hearing Officer shall have the authority to conduct a hearing, take all necessary action to avoid delay, maintain order and ensure the development of a clear and complete record. The Hearing Officer shall have all powers necessary to conduct a hearing including the power to:

- a) administer oaths and affirmations;

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- b) direct and regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary and generally conduct the proceedings according to generally recognized administrative law and this Subpart;
- c) examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- d) rule upon offers of proof and receive relevant evidence in accordance with Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1012);
- e) sign and issue subpoenas that require testimony and the production of books, papers and other documentary evidence;
- f) direct parties to appear and confer for the settlement or simplification of issues, and to otherwise conduct prehearing conferences;
- g) dispose of procedural requests or similar matters; and,
- h) render the Hearing Officer's report to the Board.

## Section 500.580 Bias or Disqualification of Hearing Officer

- a) Any interested party may file a sufficient affidavit before or during the proceeding and before a final decision is made. Such affidavit shall set forth allegations of personal bias, prejudice or disqualification of a presiding Hearing Officer. The Board shall determine this issue as part of the record of the case. When a Hearing Officer is disqualified, or if it becomes impractical for that Hearing Officer to continue, another Hearing Officer may be assigned, unless it is further shown that substantial bias or prejudice will result from that assignment.

- b) The Hearing Officer may at any time voluntarily disqualify the Hearing Officer.

## Section 500.590 Authority of Board Members



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Any Board member present at the hearing may advise the Hearing Officer and may interrogate witnesses but shall not have the authority to rule on objections or motions or to overrule the Hearing Officer during the hearing.

**Section 500.600 Conduct of Hearing**

The following shall be the order of proceedings of all hearings, subject to modification by the Hearing Officer for good cause:

- a) presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the verified complaint or answer;
- b) presentation of opening statements;
- c) complainant's case in chief;
- d) Respondent's case in chief;
- e) complainant's case in rebuttal;
- f) statements from interested citizens, if authorized by the Hearing Officer;
- g) complainant's closing statement;
- h) Respondent's closing statement;
- i) complainant's rebuttal statement
- j) presentation and argument of all motions prior to final order;
- k) presentation of written briefs pursuant to Section 500.680 of this Subpart; and,
- l) filing of the Hearing Officer's report to the Board.

**Section 500.610 Evidence**

- a) The Hearing Officer shall receive evidence which is admissible under rules of evidence as applied by courts in Illinois pertaining to civil actions except as these rules otherwise provide.
- b) The Hearing Officer shall exclude immaterial, irrelevant and repetitious evidence.

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- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.

**Section 500.620 Official Notice**

Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge and experience of the Board.

**Section 500.630 Viewing of Premises**

Upon motion of any party or upon the Hearing Officer's own motion, the Hearing Officer and any Board members present may view the premises in question, but no such viewing by less than the whole Board shall be made if any party objects. No stenographic record need be taken of what transpires at the viewing.

**Section 500.640 Admission of Business Records in Evidence**

Any writing or record, whether in the form of any entry in a book or otherwise made as a memorandum or record of any act, transaction, occurrence, or event, shall be admissible as evidence of the act, transaction, occurrence, or event. To be admissible of the writing or record shall have been made in the regular course of any business, provided it was the regular course of the business to make such a memorandum or record at the time of such an act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but shall not affect its admissibility. The term "business", as used in this rule, includes business, profession, occupation, and calling of every kind.

**Section 500.650 Hostile Witnesses/Examination of Adverse Party**

- a) If the Hearing Officer determines that a witness is hostile or unwilling, such witness may be examined by the party calling said witness as if under cross-examination.
- b) The party calling a witness, upon the showing that said party called the witness in good faith and is surprised by such witness's testimony, may impeach the witness by proof of prior inconsistent statements.
- c) Upon the hearing of any action any party thereto or any person for whose immediate benefit the action is prosecuted or defended, or the officers, directors or any



## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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## NOTICE OF ADOPTED RULES

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agents of any party to the action, may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.

**Section 500.660 Default**

Failure of a party to appear on the date set for hearing, or failure to proceed as ordered by the Hearing Officer, shall constitute a default. The Hearing Officer shall thereupon enter such findings, opinions and recommendations as are appropriate under the pleadings and such evidence as the Hearing Officer shall receive into the record.

**Section 500.670 Record of Proceedings**

- a) Oral proceedings at which evidence is presented shall be recorded either by a certified court reporter or a mechanical recording device. Any transcription will be retained through and including the time allotted for appeal, revision, rehearing or other manner of review prior to final disposition as provided for by the Agency or by law.

- b) The record in an administrative hearing shall include:

- 1) the items listed in Section 11 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1011); and,

- 2) a transcript of the hearing.

- c) The record shall be available for examination by a party to the proceeding at the Board's office during regular office hours.

**Section 500.680 Briefs**

The Hearing Officer may permit written briefs to be submitted to the Hearing Officer within ten (10) days after the close of the hearing, or such other reasonable time as the Hearing Officer shall determine consistent with the Board's responsibility for expeditious decision.

**Section 500.690 Hearing Officer's Report**

- a) At the close of the hearing and after the disposition of all motions, the Hearing Officer may request the parties to submit proposed findings of fact, conclusions of law and proposed order in such form and in such sequence as the Hearing Officer may direct.

- b) The Hearing Officer's report shall be in writing and shall include proposed findings of fact and recommended conclusions of law. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying supporting facts. If a party submits proposed findings of fact which may control the decision or order, the decision or order shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by authority or reasoned opinion. A decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence.

- c) The Hearing Officer shall then submit proposed findings and recommended conclusions of law to the Board not later than sixty (60) days after the conclusion of the hearing.

**Section 500.700 Final Order of the Board**

- a) The Board may adopt, modify, amend or reject, in whole or in part, the Hearing Officer's report and shall enter a final administrative decision based upon the record not later than sixty (60) days after receipt of the Hearing Officer's report.

- b) The decision will become effective immediately upon the execution of the written order, unless otherwise specified by the order.

- c) Parties shall be immediately notified either personally or by mail, postage prepaid, certified or registered, addressed to the last known address to the person of the order. A copy of the order shall be delivered or mailed to each party and, if applicable, to the party's attorney of record.

- d) The Board, may as part of such order, require any party to the proceeding to pay for costs and expenses of the proceeding in accordance with Sections 7-23 through 7-37 of the Act.



## NOTICE OF ADOPTED RULES

**Section 500.710    Rehearings and Reopening of Hearings**

- a) In a contested case in accordance with Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1010), and Supreme Court Rule 367 (Ill. Rev. Stat. 1989, ch. 110A, par. 367), upon petition of party to the initial hearing, provided that such petition sets forth facts substantiating that the petition is not for purpose of delay and includes an affidavit attesting to such facts, the Board may order a rehearing of the subject matter. For purposes of this subsection, rehearing means reconsideration of evidence which is a matter of record.
- b) Where the record of testimony made at the hearing is found by the Board to be inadequate for purpose of judicial review, the Board may order a reopening of the hearing.
- c) A motion for rehearing or a motion for the reopening of a hearing shall be filed within ten (10) days of the date of mailing of the Board's order. A rehearing or reopening of a hearing shall be noticed and conducted in the same manner as an original hearing. The evidence received at the rehearing shall be included in the record for the Board's reconsideration and for judicial review. A decision or order may be amended or vacated after hearing.

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: 240.430 Emergency Action: Amendment  
240.435 Amendment  
240.720 Amendment  
240.725 Amendment
- 4) Statutory Authority: Ill. Rev. Stat., Ch. 23 Sections 6104.01(4), (9), (11) and (12); 6104.02, 6104.03 and 6105.02
- 5) Effective Date of Amendment(s): November 15, 1991
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: November 15, 1991
- 8) Reason for Emergency:  
Many state programs and services have been reduced dramatically or even eliminated because of the need to balance the state's budget and restore fiscal stability after years of overspending. Millions of dollars in cuts were enacted and thousands of state government jobs are being eliminated through layoffs, attrition and an early retirement program. Through all this, the Community Care program remained a priority and funding for it actually increased because of its importance to helping older adults across this state maintain their dignity and independence. However, even with the increase in funding, resources are strained as the Department on Aging responds to the increased demand for services offered through the Program. Accordingly, the Department must assure it is helping those people who need the care the most.

As a result of the above, it has become necessary for the Department to make some changes in the delivery of services as soon as possible. Therefore, those rules which deal with service maximums based on the client's Determination of Need score and those rules which deal with client appeals will be amended by means of the Emergency Rulemaking process.

With these emergency changes, the Department on Aging will



be able to adjust service delivery to ensure that the resources of the Community Care Program are targeted appropriately and that all elderly requiring service will receive care.

The ability of the Department to adjust service delivery, to assure services are being delivered in the most equitable and most needed manner possible and to assure individual due process, is in the utmost interest of the public in general, and the Community Care Program applicants/clients in particular. The limitations to Department resources, which necessitate this emergency action, have only been recently imposed as a result of general state budgetary constraints.

9) A Complete Description of the Subjects and Issues Involved:

Effective November 15, 1991, those agencies which provide in-home and adult day care services under the Community Care Program will begin to adjust service delivery. All agencies under such contract with the Department are affected by this emergency rulemaking.

This emergency rulemaking allows the Department to adjust service delivery, thereby ensuring that the limited resources of the program are distributed equitably and distributed most specifically to those elderly in the greatest economic and social need; and, allows the Department to afford each applicant/client their appeal rights in accordance with Departmental rule requirements and statutory mandates.

10) Are there any proposed amendments pending on this Part?  
Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.655	Amendment	10/11/91:15 Ill. Reg. 14335
240.1400	New Section	12/14/90:14 Ill. Reg. 19415
240.1410	Amendment	12/14/90:14 Ill. Reg. 19415
240.1420	Amendment	12/14/90:14 Ill. Reg. 19415
240.1430	Amendment	12/14/90:14 Ill. Reg. 19415
240.1440	New Section	12/14/90:14 Ill. Reg. 19415
240.1710	New Section	12/14/90:14 Ill. Reg. 19415
240.1720	New Section	12/14/90:14 Ill. Reg. 19415
240.1960	New Section	12/14/90:14 Ill. Reg. 19415

11) Statement of Statewide Policy Objectives: Not applicable.

12) Information and questions regarding this amendment shall be directed to:

Name: Mary J. Mayes  
Policy and Rules Analyst  
Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, IL 62701  
Telephone: (217) 785-3357

The full text of the Emergency Amendment(s) begins on the next page:



## DEPARTMENT ON AGING

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGINGPART 240  
COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

## SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Chore-Housekeeping Provider

## SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

## SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed

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240.415 What May Be Appealed  
240.420 Group Appeals  
240.425 Informal Review  
240.430 ~~Notice of Informal Review Findings~~  
EMERGENCY

240.435 Withdrawing an Appeal  
EMERGENCY  
240.440 Examining Department Records  
240.445 Hearing Officer  
240.450 The Hearing  
240.455 Continuance of the Hearing  
240.460 Postponement  
240.465 Dismissal Due to Non-Appealance  
240.470 Rescheduling the Appeal Hearing  
240.475 Recommendations of Hearing Officer  
240.480 The Appeal Decision  
240.485 Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section  
240.510 Application for Community Care Program  
240.520 Who May Make Application  
240.530 Date of Application  
240.540 Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section  
240.600 Eligibility Requirements  
240.610 Establishing Eligibility  
240.620 Home Visit  
240.630 Determination of Eligibility  
240.640 Eligibility Decision  
240.650 Continuous Eligibility  
240.655 Frequency of Redeterminations  
EMERGENCY  
240.660 Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section  
240.710 Age  
240.715 Determination of Need  
240.720 Clients Prior to Effective Date of ~~this Section~~ July 1, 1990  
EMERGENCY



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240.725 Clients After Effective Date of This Section November 15, 1991

## EMERGENCY

240.730 Plan of Care  
 240.735 Supplemental Information  
 240.740 Assessment of Need  
 240.750 Citizenship  
 240.755 Residence  
 240.760 Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
 240.800 Financial Factors  
 240.810 Assets  
 240.815 Exempt Assets  
 240.820 Asset Transfers  
 240.825 Income  
 240.830 Unearned Income Exemptions  
 240.835 Earned Income  
 240.840 Potential Retirement, Disability and Other Benefits  
 240.845 Family  
 240.850 Monthly Average Income  
 240.855 Applicant/Client Expense for Care  
 240.860 Change in Income  
 240.865 Application For Medical Assistance (Medicaid)  
 240.870 Determination of Applicant/Client Monthly Expense for Care  
 240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
 240.910 Written Notification  
 240.915 Service Provision  
 240.920 Reasons for Denial  
 240.925 Frequency of Redeterminations (Renumbered)  
 240.930 Suspension of Services  
 240.935 Discontinuance of Services to Clients  
 240.940 Penalty Payments  
 240.945 Notification  
 240.950 Reasons for Termination  
 240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

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Section  
 240.1010 Nursing Home Prescreening  
 240.1020 Interim Services  
 240.1040 Intense Service Provision  
 240.1050 Temporary Service Increase

## SUBPART K: TRANSFERS

Section  
 240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service  
 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service  
 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit  
 240.1140 Transfer of Pending Applications  
 240.1150 Interagency Transfers  
 240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit  
 240.1170 Caselead Transfer - Vendor to Vendor  
 240.1180 Caselead Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
 240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section  
 240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors  
 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
 240.1330 General Vendor and CCU Responsibilities (Repealed)  
 240.1396 Payment for Services (Repealed)  
 240.1397 Purchases and Contracts (Repealed)  
 240.1398 Safeguarding Case Information (Repealed)  
 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section  
 240.1410 Case Coordination Units  
 240.1420 Case Coordination Unit Responsibilities



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## SUBPART O: VENDORS

Section  
240.1510 Vendor Administrative Minimum Standards  
240.1520 Vendor Responsibilities  
240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities  
240.1550 Standard Requirements for Adult Day Care Vendors  
240.1555 General Adult Day Care Staffing Requirements  
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities  
240.1565 Adult Day Care Satellite Sites  
240.1570 Adult Day Care Service Availability Expansion  
240.1575 Adult Day Care Site Relocation  
240.1580 Standards for Alternative Providers  
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

## SUBPART P: VENDOR PROCUREMENT

Section  
240.1600 Vendor Procurement  
240.1605 Procuring Vendor Services  
240.1610 Procurement Cycle  
240.1620 Issuance of Vendor Request for Proposal  
240.1625 Content of Vendor Request for Proposal  
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded  
240.1635 Evaluation of Vendor Proposals  
240.1640 Notification of Vendor Awards  
240.1645 Protest or Objection to Vendor Request for Proposal Award Determination  
240.1650 Failure to Maintain Vendor Compliance to Contract  
240.1655 Method of Identification of Type I, II and III Vendor Violations  
240.1660 Vendor Compliance During Contract Period  
240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART R: ADVISORY COMMITTEES

Section  
240.1800 Policy Advisory Committee

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## 240.1850 Technical Rate Review Advisory Committee

## SUBPART S: VENDOR RATES

Section  
240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

Section  
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services  
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services  
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services  
240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, pars. 6104.02 and 6104.01(1)).

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January



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12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838 effective, February 1, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398 effective November 15, 1991 for a maximum of 150 days.

NOTE: Bold faced type denotes statutory language.

## SUBPART D: APPEALS

Section 240.430 Notice of Informal Review Findings

a) Within sixty calendar days from the date of receipt of the Notice of Appeal to Department on Aging form, the Department shall conduct an informal review and issue an Appeal Findings Notice which may be delayed pending an extension of time caused by the appellant.

b) The Appeal Findings Notice shall clearly state the facts determined in the appeal and the findings and decision of the Department based upon those facts. the informal review. Copies shall be sent to all parties to the appeal.

1) If the appeal is upheld, based upon the Department decision resulting from the informal review, the appeal file shall be closed.

2) If the appeal is denied, based upon the Department decision resulting from the informal review, the appellant/authorized representative shall be advised of their right to request a formal hearing.

A) The appellant/authorized representative must advise the Department of the intent to request a formal hearing, either by telephone or in writing, to be followed by submission to the Department of a completed and signed Request for Hearing form.

B) The Department must receive the Request for Formal Hearing form on or before fifteen calendar days from the date the Appeal Findings Notice is issued.

c) If the Department does not receive the required form within the time frame specified above, the request for a formal hearing shall be denied and the appeal file shall be closed.

(Source: Emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991 for a maximum of 150 days)

Section 240.435 Withdrawing an Appeal

a) The appellant/authorized representative, may withdraw the appeal at any time prior to or during the appeal process. The withdrawal may be submitted in writing or by telephone.

b) The Department shall acknowledge the withdrawal of appeal and advise the appellant/authorized representative that the appeal is formally closed, in writing, by certified mail, return receipt requested.

a c) The Department shall furnish copies of the acknowledgement of withdrawal to all interested parties to the appeal.

b) ~~If the appeal is not withdrawn, it shall be forwarded to a hearing officer for hearing.~~

(Source: Emergency amendment at 15 Ill. Reg. 17398, effective November 1, 1991 for a maximum of 150 days)

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.720 Clients Prior to Effective Date of This Section July 1, 1990

Individuals whose eligibility for the Community Care Program (CCP) was determined prior to the effective date of this Section July 1, 1990, and who have been continuously served since determination of initial eligibility shall have their need for long term care established by receipt of the following scores on the Determination of Need:

a) Individuals having a combined score on Total Impairment Part A, (which includes the MMSE and Part A) and Part B from zero through twenty-eight points, or who have



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twenty-nine or more points overall but fail to receive at least fifteen points on ~~Part A~~ Total Impairment shall be eligible for services costing no less than \$1 and not to exceed ~~\$169~~\$100 monthly;

- b) Individuals having a combined score on Part A and Part B of twenty-nine points or more with a minimum of fifteen points on Part A shall have their need for long term care established in accordance with Section 240.725.

- c) The above monthly maximums allowed, which are based upon the Determination of Need score, will be adjusted by the Department as needed to accommodate unit rate adjustments for the providers.

(Source: Emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991 for a maximum of 150 days)

Section 240.725 Clients After Effective Date of This Section  
November 15, 1991

Individuals whose eligibility for the Community Care Program (CCP) is determined on or after the effective date of this Section shall have their need for long term care established by receipt of a minimum score to twenty-nine points on the Determination of Need, fifteen of which must be scored in Part A, level of impairment, of the Determination of Need-On Total Impairment, which includes Part A and the Mini-Mental State Examination (refer to Section 240.715). The following maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for Community Care Program vendors.

- a) Individuals scoring from 29 thru 32 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$464~~\$190 monthly.
- b) Individuals scoring from 33 thru ~~45~~36 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$589~~\$300 monthly.
- c) Individuals scoring from 37 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$480 monthly.

- ed) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$690~~\$600 monthly.

- ee) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$880~~\$700 monthly.

- ef) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$1020~~\$910 monthly.

- fg) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$1200~~\$1240 monthly.

- gh) Individuals scoring from 88 thru 100 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$1400~~\$1445 monthly.

(Source: Emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991 for a maximum of 150 days)



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Interior Design Profession Title Act
- 2) Code Citation: 68 Ill. Adm. Code 1255
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1255.10	New Section
1255.20	New Section
1255.30	New Section
1255.40	New Section
- 4) Statutory Authority: Implementing and authorized by Public Act 86-1404, effective July 1, 1991, as amended by Public Act 87-756, effective October 3, 1991.
- 5) Effective Date of Rules: November 19, 1991
- 6) If the emergency Rules are to expire before the end of the 150-day period, please specify the date on which they will expire. The emergency Rules will expire when the proposed Rules are adopted.
- 7) Date Filed in Agency's Principal Office: November 18, 1991
- 8) Reason for Emergency: Public Act 86-1404, effective July 1, 1991, requires that the Department register interior designers to ensure the public health, safety and welfare of the people of the State of Illinois. The General Assembly approved an amendment to this Act, requiring the Department to accept the examination administered by the National Council for Interior Design Qualifications. That amendment, Public Act 87-756, became effective when it was signed October 3, 1991, by the Governor. P.A. 86-1404 provides for the appointment of a Board of Interior Design Professionals to advise the Department in establishing guidelines for qualifications of applicants. The new Board held its first meeting July 10 and 11, 1991, and signed off on the Rules at its second meeting September 19, 1991, contingent upon P.A. 87-756 being signed into law. Section 8(c) of P.A. 86-1404 provides for a grandfather licensing period that ends June 30, 1992. In order for the Department to begin registering interior designers, it is necessary to implement these as Emergency Rules.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking provides education, experience, examination and application requirements for persons seeking registration in the State of Illinois as interior designers.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 10) Are there any proposed Rules to this Part pending: Yes

Section Numbers	Proposed Action	Illinois Register Citation
1255.10	New Section	15 Ill. Reg. 17030
1255.20	New Section	15 Ill. Reg. 17030
1255.30	New Section	15 Ill. Reg. 17030
1255.40	New Section	15 Ill. Reg. 17030
1255.50	New Section	15 Ill. Reg. 17030
1255.60	New Section	15 Ill. Reg. 17030
1255.70	New Section	15 Ill. Reg. 17030
1255.80	New Section	15 Ill. Reg. 17030
1340.90	New Section	15 Ill. Reg. 17030

- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Information and questions regarding these Rules shall be directed to:  
  
Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0810

The full text of the Emergency Rules begins on the next page:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

## PART 1255

## INTERIOR DESIGN PROFESSION TITLE ACT

- Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather) EMERGENCY
- Section 1255.20 Application for Registration EMERGENCY
- Section 1255.30 Approved Programs of Interior Design EMERGENCY
- Section 1255.40 Full-time Diversified Professional Experience EMERGENCY

AUTHORITY: Implementing the Interior Design Profession Title Act (P.A. 86-1404, effective July 1, 1991, as amended by P.A. 87-756, effective October 3, 1991) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat.) 1989, ch. 127, par. 60(7).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days.

Section 1255.10 Application for Registration Under Section 8(c) of the Act (Grandfather) EMERGENCY

- a) Any person seeking registration without examination under Section 8(c) of the Interior Design Profession Title Act (P.A. 86-1404, effective July 1, 1991) (the "Act") shall file an application with the Department of Professional Regulation (the "Department") on forms provided by the Department. The application shall be postmarked no later than midnight June 30, 1992, and shall include the following:

- 1) Verification, on forms provided by the Department, or documentation of at least 8 years of full-time, diversified professional experience in interior design as defined in Section 3(f) of the Act and Section 1255.40 of this Part; or
- 2) Verification, on forms provided by the Department, or documentation of a combination of full-time, diversified professional experience as defined in Section 3(f) of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 8 years.
- 3) A complete work history;
- 4) The required fee set forth in Section 11(a) of the Act; and

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- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:

- A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the registration;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) Education shall be from an accredited college, school or university offering a program in interior design and include the curriculum set forth in Section 1255.30.

- c) Experience shall be documented in one or more of the following ways:

- 1) Certification of experience, on forms provided by the Department;
- 2) Submission of three affidavits from clients, peers or colleagues familiar with the applicant's work;
- 3) Submission from a professional interior design organization that the applicant has an active professional status in the organization. The Department, upon recommendation of the Board of Interior Design Professionals (the "Board") has determined that 6 years of credit toward education and experience will be granted an applicant who holds professional status in one of the following organizations: American Society of Interior Designers (ASID); the Interior Design Society (IDS); the Institute of Business Designers (IBD); the International Society of Interior Designers (ISID); Institute of Store Planners (ISP); and the Governing Board for Contract Interior Design Standards.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking registration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

Section 1255.20 Application for Registration  
EMERGENCY

- a) An applicant for registration as an interior designer shall file an application, on forms provided by the Department, which includes the following:

1) Certification submitted to the Department from the National Council for Interior Design Qualifications (NCIDQ) indicating the successful completion of the NCIDQ examination;

2) Proof of Education/Experience

A) Certification of graduation and official transcripts from a 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program and at least 3 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or

D) Certification of graduation and official transcripts from an approved 2 year interior design program from an approved program and at least 4 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part.

3) A complete work history; and

4) The fee required by Section 11(a)(1) of the Act.

- b) An individual who holds an active license as an architect in Illinois pursuant to the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, part 3401 et seq.) shall be issued a certificate of registration as an interior designer without examination as provided in Section 8(d) of the Act upon payment of a fee of \$40.00.

Section 1255.30 Approved Programs of Interior Design  
EMERGENCY

- a) The Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;

2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;

3) The faculty is comprised of a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled and a designated program director. The faculty must have demonstrated competence as evidenced by degrees in their area(s) of teaching from professional colleges or institutions;

4) The curriculum is at least 2 academic years that provides educational experience with practical application encompassing:

- A) Drafting
- B) Two-Dimensional Design
- C) Three-Dimensional Design
- D) Design and Composition Fundamentals
- E) Color Theory
- F) Fundamentals of Residential Design
- G) Fundamentals of Non-Residential Design
- H) Building Systems
- I) Materials
- J) Codes and Ordinances
- K) Presentation Skills
- L) Business Practices and Management
- M) History of Art, Architecture and Design

5) A 2 year program shall include 4 or more of the above courses set forth in subsection (4) above and be a minimum of 60 semester hours;

6) A 3 year program shall include 6 or more of the above courses set forth in subsection (4) above and be a minimum of 90 semester hours;

7) A 4 or 5 year program shall include 8 or more of the courses set forth in subsection (4) above and be a minimum of 120 semester hours.

- b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Foundation for Interior Design Education Research (FIDER).



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- c) The Department has determined that all interior design programs accredited or approved by FIDER as of July 1, 1991, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1255.40 Full-time Diversified Professional Experience  
EMERGENCY

- a) Full-time diversified professional experience in interior design shall meet the minimum requirements as defined in Section 3(f) of the Act and shall be in any one or combination of the following interior design related fields;

- 1) Commercial Design
- 2) Institutional/Educational
- 3) Governmental
- 4) Hospitality/Restaurant
- 5) Facilities Management
- 6) Residential Design
- 7) Kitchen/Bath
- 8) Store Planning/Retail
- 9) Industrial/Manufacturing
- 10) Health Care

- b) All experience shall have been acquired after completion of a minimum of 2 years of a design or interior design related education program. This subsection does not apply to applicants applying pursuant to Section 1255.10 of this Part.

- c) "Full-time" experience is defined as a minimum of 1,800 hours during a 12 month period. No more than one year credit will be given in a 12 month period.

- d) "Part-time" experience is defined as a minimum of 900 hours during a 12 month period. No more than one half year credit will be given in a 12 month period.

- e) Approved professional experience consists of successful performance of work relating to interior design services as described in Section 3(f) of the Act, verified by a supervising interior designer, architect or owner/manager in an interior design setting.

- f) One year of experience will be granted for 2 academic years of full-time teaching experience as defined by the institution in an approved interior design program. A maximum of one year of experience for teaching will be awarded. Any teaching experience claimed must be validated by an official of the school offering the design program.

- g) An applicant cannot earn more than 40 hours per week of approved experience (i.e. overtime does not qualify for additional approved experience).

## ILLINOIS RACING BOARD

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Security Barns
- 2) Code Citation: 11 Ill. Adm. Code 436
- 3) The Notice of Proposed Amendments being corrected appeared at 15 Ill. Reg. 15655, dated November 1, 1991.
- 4) The information being corrected is as follows:  
Question #5 in the original notice did not completely detail the differences between the emergency rules, published at 15 Ill. Reg. 12944, dated August 22, 1991, effective for a maximum of 150 days, and the proposal as published November 1, 1991. The following is a complete description of the differences.

Section 436.05 changed the four (4) hour time requirement for thoroughbreds to two (2) hours. Also, the racetrack was given the authority to issue transferable tags to security stall guards.

Section 436.20 reduced the requirement of the racetrack operator. The racetrack operator is no longer responsible for the sanitation of the individual stalls.

Section 436.30 will be repealed. The requirements for fire safety and inspection reports is completely detailed in 11 Ill. Adm. Code.

In Section 436.60 specific penalties were outlined for violations of Section 436.05. The penalties include scratching the horse and civil penalties for trainers and racetrack operators.

Section 436.70 requires the racing secretary to provide specific information to the Racing Board for each horse entered to race. Also, the racing secretary is required to issue stall numbers for ship-ins at the time of entry. The information includes, name of horse, name of trainer, tattoo number, stall number and trainer changes, if applicable.

Section 436.80 will be repealed. Licensees are required to show identification when entering any barn (as provided in 11 Ill. Adm. Code 502).

Section 436.100 restricts equipment used during the designated security time. Certain equipment is allowed in individual stalls prior to the two (2) hour secure time. However, this equipment must be removed when a horse is placed in the "security stall". Specific penalties are also outlined for violations of this Section.



## ILLINOIS RACING BOARD

## NOTICE OF CORRECTION TO NOTICE ONLY

Section 436.120 will be repealed. The access to the individual stall cannot be limited to a certain number. In the original security barn rules, access was limited due to the number of horses in the barn and the extreme conditions in the barn.

Section 436.130 requires horses treated with furosemide to return to their individual stalls immediately following the administration of lasix. Under Section 509.90(e) horses are required to report for lasix four (4) hours and 15-minutes prior to the post time of the race in which they are entered. Once the horse reports to his stall after administration, a sign must be posted declaring the area "Security Area - Lasix".

Section 436.140 will be repealed. Due to the horses being stalled in various barns, it is impossible to require a guard to accompany each horse to the paddock.

The Illinois Racing Board conducted a public meeting September 27, 1991 to discuss the emergency procedures implemented August 16, 1991. The aforementioned changes are a direct result of the discussions and suggestions made by those in attendance at the public meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 13, 1991 through November 19, 1991, and have been scheduled for review by the Committee at its December meeting. Other items not contained in this published list may also be considered by the Committee at its December meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/30/91	Department of Conservation, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	10/4/91 15 Ill. Reg. 14157	12/91
1/2/92	Department of Insurance, Pre-licensing and Continuing Education (50 Ill. Adm. Code 3119)	8/2/91 15 Ill. Reg. 11055	12/91
1/2/92	Department of Alcoholism and Substance Abuse, Award Criteria and Procedure, Repeal of (77 Ill. Adm. Code 2031)	6/28/91 15 Ill. Reg. 9149	12/91
1/2/92	Department of Alcoholism and Substance Abuse, Suspension and Termination of Financial Assistance, Repeal of (77 Ill. Adm. Code 2032)	6/28/91 15 Ill. Reg. 9218	12/91
1/2/92	Department of Alcoholism and Substance Abuse, Fiscal and Programmatic Requirements, Repeal of (77 Ill. Adm. Code 2030)	6/28/91 15 Ill. Reg. 9153	12/91



## PROCLAMATION

91-556

## COMMUNITY EDUCATION DAY

Whereas, public education is a community enterprise, and everyone in the community has a stake in the mission of educating all individuals in all families--adults and children alike; and Whereas, local citizens have a right and a responsibility to be involved in deciding how the educational resources of the community should be used; and

Whereas, the goal of community education is to promote citizen involvement, lifelong learning, educational partnerships, and an improved quality of life; and

Whereas, each community should promote effective use of community resources in all educational institutions to provide educational opportunities for learners of all ages and educational backgrounds and especially to facilitate the development of a literate population; and

Whereas, "Literacy: A Community Affair" is the theme of National Community Education Day, jointly sponsored by the National Community Education Association, the Council of Chief State School Officers, the National Association of State Boards of Education, the American Association of School Administrators, the United Way of America, and numerous other organizations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 19, 1991, as COMMUNITY EDUCATION DAY in Illinois and call upon the people of Illinois to recognize and celebrate the bonds they have discovered, the partnerships they have formed, and the sense of community they have strengthened through community education programs.

Issued by the Governor November 6, 1991.

Filed with the Secretary of State November 14, 1991.

91-557

## JOLIET JUNIOR COLLEGE 90th ANNIVERSARY DAY

Whereas, J. Stanley Brown and William Rainey Harper pioneered the community college movement in 1901 by initiating postgraduate high school courses in what is now known as Joliet Central High School; and

Whereas, this educational collaboration resulted in Joliet Junior College, which today is recognized as the oldest public community college in America; and

Whereas, Joliet Junior College, Community College District 525, serves the Illinois counties of Will, Grundy, Kankakee, Kendall, LaSalle, Livingston, and Cook by helping students "Reach for the Promise of Tomorrow" with prebaccalaureate programs, occupational programs, adult basic education, community service classes and workshops, economic development assistance, and educational programs for special groups; and

Whereas, Joliet Junior College offers reasonably priced, quality education within commuting distance of its students' homes; and

Whereas, Joliet Junior College will officially mark its 90th anniversary with a festival at its Main Campus in Joliet on Sunday, November 17;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1991, as JOLIET JUNIOR COLLEGE 90th ANNIVERSARY DAY in Illinois and encourage citizens to take part in the festivities planned for the occasion.

Issued by the Governor November 7, 1991.

Filed with the Secretary of State November 14, 1991.

91-558

## PUERTO RICAN HERITAGE AND CULTURE MONTH

Whereas, Christopher Columbus arrived in Puerto Rico in 1498 and found the Taino Indians with a sophisticated civilization rich in tradition and culture; and

Whereas, the territory of Puerto Rico, also known as "Isla del Encanto," was acquired by the United States from Spain through the Treaty of Paris in 1898; and

Whereas, the United States Congress decreed citizenship for Puerto Ricans in 1917; and

Whereas, for many years, Puerto Ricans have been an integral part of our state, making valuable contributions in the economic, social, educational, political, and cultural arenas; and

Whereas, a series of cultural events will take place during November in celebration of Puerto Rican Heritage and Culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1991 as PUERTO RICAN HERITAGE AND CULTURE MONTH in Illinois.

Issued by the Governor November 7, 1991.

Filed with the Secretary of State November 14, 1991.

91-559

## ACCELERATED AND RISING TO THE CHALLENGE SCHOOLS DAY

Whereas, the Illinois Network of Accelerated Schools was established in January 1989; and

Whereas, in August 1991, the Illinois Schools: Rising to the Challenge network was established; and

Whereas, both networks are participating in the Illinois Initiative for Educational Change, which supports programs and ideas to serve at-risk students in 38 elementary schools throughout our state; and

Whereas, this educational initiative links the schools, the State Board of Education, and the Educational Service Centers in a partnership to improve services for these students; and

Whereas, the principles of the initiative include unity of



purpose, building on strengths, and empowerment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim Wednesday, November 20, 1991, as ACCELERATED AND RISING TO THE CHALLENGE SCHOOLS DAY in Illinois.

Issued by the Governor November 8, 1991.

Filed with the Secretary of State November 14, 1991.

91-560

GUS GIORDANO DAY

Whereas, Gus Giordano is a true pioneer in the field of jazz dance who is known as an internationally acclaimed choreographer; and

Whereas, his accomplishments include choreographing several Broadway shows, including "Wish You Were Here," and producing and choreographing the "Dance Tribute to Michael Jordan" at the First Chicago Center in 1989; and

Whereas, Gus has made valuable contributions in teaching others jazz dance through his dance center (opened in Evanston in 1955) and by co-sponsoring the highly successful First American Jazz Dance World Congress in 1990 on the Northwestern University campus in Evanston; and

Whereas, Gus has earned numerous awards, including the 1984 Dance Educators of America Award, awards from PBS television, Ohio State and California State universities, and Dance Masters of America, as well as three Emmy Awards from the National Television Academy; and

Whereas, Gus was recently honored as an American Living Treasure by Oklahoma City University and earned the 1991 "Dance Teacher Now" magazine Circle of Dance award for lifetime contributions to dance education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1991, as GUS GIORDANO DAY in Illinois, in recognition of the fine talents of this individual and the contributions he has made to dance education.

Issued by the Governor November 8, 1991.

Filed with the Secretary of State November 14, 1991.

91-558

PUERTO RICAN HERITAGE AND CULTURE MONTH  
(Revised)

Whereas, Christopher Columbus arrived in Puerto Rico in 1493 and found the Taino Indians with a sophisticated civilization rich in tradition and culture; and

Whereas, the territory of Puerto Rico, also known as "Isla del Encanto," was acquired by the United States from Spain through the Treaty of Paris in 1898; and

Whereas, the United States Congress decreed citizenship for Puerto Ricans in 1917; and

Whereas, for many years, Puerto Ricans have been an integral part of our state, making valuable contributions in the economic, social, educational, political, and cultural arenas; and

Whereas, a series of cultural events will take place during November in celebration of Puerto Rican Heritage and Culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1991 as PUERTO RICAN HERITAGE AND CULTURE MONTH in Illinois.

Issued by the Governor November 7, 1991.

Filed with the Secretary of State November 18, 1991.

91-561

ALZHEIMER'S DISEASE MONTH

Whereas, more than four million people in the United States are affected by Alzheimer's disease, a degenerative, progressive disease that attacks the brain and results in impaired memory, thinking, and behavior; and

Whereas, Alzheimer's disease is the most common form of dementing illness, taking more than 100,000 lives annually. It is the fourth leading cause of death among older adults; and

Whereas, unless a cure or means of prevention is found for Alzheimer's disease, an estimated 12 to 14 million Americans will be affected by the year 2040; and

Whereas, in one-third of all American families, one parent will succumb to this disease; and

Whereas, Alzheimer's disease costs the United States more than \$80 billion annually; and

Whereas, increasing public awareness about Alzheimer's disease and the Alzheimer's Association may stimulate the interest and concern of the American people, which may in turn, lead to increased research and eventually to the discovery of a cure for Alzheimer's disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1991 as ALZHEIMER'S DISEASE MONTH in Illinois.

Issued by the Governor November 13, 1991.

Filed with the Secretary of State November 18, 1991.

91-562

CRITICAL CARE NURSE WEEK

Whereas, critical care nurses are registered professional nurses who give critically ill patients optimal care through individual professional accountability, thorough knowledge of the interrelatedness of body systems, and appreciation of the collaborative role of members of the health care team; and

Whereas, the American Association of Critical Care Nurses (AACN) was established in 1969 to help nurses keep abreast with the technical advancements of the critical care environment. AACN currently has more than 65,000 members nationwide, including



3,200 in Illinois; and

Whereas, in addition to basic preparation, critical care nurses must have advanced knowledge of psychosocial, physiological, and therapeutic components specific to the care of the critically ill. The CCRM Certification, obtained only after passing a comprehensive examination and acquiring professional experience, is the national recognition of professional proficiency in critical care nursing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 22-28, 1992, as CRITICAL CARE NURSE WEEK in Illinois.

Issued by the Governor November 13, 1991.

Filed with the Secretary of State November 18, 1991.

91-563

JEWISH FEDERATION OF SOUTHERN ILLINOIS,  
SOUTHEASTERN MISSOURI, AND WESTERN KENTUCKY DAY

Whereas, in 1941, some residents of the rural communities in the Southern Illinois area established an organized Jewish federation that has continued without interruption; and

Whereas, 1991 marks the 50th year of service of the Jewish Federation of Southern Illinois, Southeastern Missouri, and Western Kentucky; and

Whereas, several events have been planned to celebrate the federation's anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1991, as JEWISH FEDERATION OF SOUTHERN ILLINOIS, SOUTHEASTERN MISSOURI, AND WESTERN KENTUCKY DAY in Illinois.

Issued by the Governor November 13, 1991.

Filed with the Secretary of State November 18, 1991.

91-564

THANKSGIVING DAY

"My country 'tis of thee, Sweet land of liberty, of thee I sing. Land where our fathers died, land of the Pilgrim's pride. From every mountainside, let freedom ring." "America," Samuel Francis Smith, 1832

Whereas, the Pilgrims carried on an ancient tradition when they had a Thanksgiving festival at Plymouth Colony in 1621. They were grateful for their survival and the absence of persecution; and

Whereas, America's first national Thanksgiving was proclaimed by the Continental Congress on November 1, 1777. George Washington made the first presidential proclamation for a Thanksgiving in 1789, in honor of the new Constitution; and

Whereas, Thanksgiving Day was first celebrated on a specific

day in 1861 upon President Lincoln's request. All states now observe the last Thursday in November as a day of thanks; and Whereas, we are still thankful today for our well-being and our environment of freedom, as the Pilgrims were, and Thanksgiving Day is anticipated with joy and cherished as one of the most beautiful expressions of the spirit of America;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 28, 1991, as THANKSGIVING DAY in Illinois.

Issued by the Governor November 13, 1991.

Filed with the Secretary of State November 18, 1991.

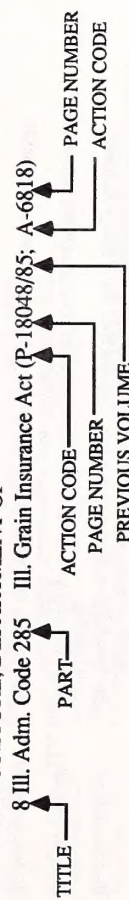


# **ACTION CODES** ICAR - Joint Committee on Administrative Rules

<b>A</b> - Adopted Rule	<b>P</b> - Proposed Rule
<b>AR</b> - Adopted Repealer	<b>PF</b> - Prohibited Filing Ordered by ICAR
<b>C</b> - Notice of Corrections	<b>PP</b> - Peremptory or Court ordered Rules
<b>CC</b> - Codification Changes	<b>PR</b> - Proposed Repealer
<b>E</b> - Emergency Rule	<b>R</b> - Refusal to meet ICAR objection
<b>ER</b> - Emergency Repealer	<b>RC</b> - Statement of Recommendation
<b>M</b> - Modification to meet ICAR objections	<b>S</b> - Suspension ordered by ICAR
<b>O</b> - ICAR Statement of Objections	<b>W</b> - Withdrawal to meet ICAR objections

## **EXAMPLE:**

### **AGRICULTURE, DEPARTMENT OF**



**ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.**

### **ABANDONED MINED LANDS RECLAMATION COUNCIL**

62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-141; A-6513)

### **AGING, DEPARTMENT ON**

89 Ill. Adm. Code 240 Community Care Program (E-2838; A-10351) (P-18635/90; A-10351) (P-14335) (E-14593) (P-17007) (E-17398)

### **AGRICULTURE, DEPARTMENT OF**

8 Ill. Adm. Code 255 Agricultural Facilities (E-128)  
 8 Ill. Adm. Code 270 Ill. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455)  
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117) (PP-8714) (P-1583; A-8801) (PP-13976)

2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-6105)

8 Ill. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs (P-19087/90; A-5207)

### **ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF**

77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083)  
 77 Ill. Adm. Code 2031 Award Criteria & Procedure (PR-9149)  
 77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (PR-9153)  
 77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment, Intervention & Research Programs (P-6457/90; A-2597) (P-8837; A-13708)

### **ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF (CONT'D)**

77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-9785; E-10222; C-11343; A-16662)  
 77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (PR-9218)

### **ASBESTOS ABATEMENT AUTHORITY, ILLINOIS**

2 Ill. Adm. Code 2650 Organization, rulemaking & Public Information (A-2660)

### **ATTORNEY GENERAL**

14 Ill. Adm. Code 475 Motor Vehicle Advertising (P-6343)

### **AUDITOR GENERAL**

74 Ill. Adm. Code 420 Code of Regs. (P-15645/90; A-3429)

### **BANKS AND TRUST COMPANIES, COMMISSIONER OF**

38 Ill. Adm. Code 307 Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-3611)  
 38 Ill. Adm. Code 354 Administration of Collateral Obtained in Collection of a Debt (P-3614)  
 38 Ill. Adm. Code 397 Corporate Fiduciary Receivership Account (P-15181/90; A-167)  
 38 Ill. Adm. Code 350 Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings (P-2053)

### **CARNIVAL-AMUSEMENT SAFETY BOARD**

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989/90; A-4109)

### **CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

80 Ill. Adm. Code 303 Conditions of Employment (P-4801; A-14067) (E-5076) (P-17399/90; A-5214)  
 89 Ill. Adm. Code 1300 Day Care (P-5141)  
 80 Ill. Adm. Code 302 Merit & Fitness (P-11859)  
 80 Ill. Adm. Code 310 Pay Plan (P-663) (P-14657/90; A-3296) (P-15186/90; A-4401) (P-4497; W-5920) (PP-5100) (P-5147; A-13080) (PP-5465) (P-6364; A-14210) (E-10485) (P-4497; A-11080; C-11537) (P-12051)  
 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-1203; A-8843)  
 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-12064)  
 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-12074)  
 44 Ill. Adm. Code 5040 State Vehicles & Garage (P-17403/90; A-7553)  
 80 Ill. Adm. Code 2800 Travel (P-12963) (E-13196; O-16523) (P-15199)

### **CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303/90; A-24)  
 89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-18871/90; A-11111) (P-1323) (E-13554)  
 89 Ill. Adm. Code 407 Licensing Standards for Day Care Centers (P-14729)  
 89 Ill. Adm. Code 406 Licensing Standards for Day Care Home (P-14734) (E-15088; M-16519)  
 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-14764) (E-15104)  
 89 Ill. Adm. Code 335 Relative Home Placement (P-8415)  
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-8735; PF-14320; W-16520) (E-14285)

### **COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**

56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-13045/90; A-10368) (P-13074/90; A-10386) (P-19495/90; RC-11532; A-13092)  
 56 Ill. Adm. Code 2620 Employment & Training Assistance for Dislocated Workers (PR-12964)  
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-13060/90; A-8683) (P-9787)  
 47 Ill. Adm. Code 140 Ill. Clean and Beautiful Program (PR-13241)  
 14 Ill. Adm. Code 510 Ill. Promotion Act Programs (P-13072/90; A-2673) (P-677; A-8848)  
 14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-4528; A-9902)  
 56 Ill. Adm. Code 2650 Industrial Training Program (P-19503/90; W-3602)



# ILLINOIS REGISTER

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1991 CUMULATIVE INDEX

DECEMBER 2, 1991

## COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (CONT'D)

- 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-8782/90; A-1798) (P-10249) (E-10498; C-11014)
- 47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-15189/90; O-1575; R-3603; A-3437) (P-14337) (E-14604)
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 III. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 III. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

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<b>TITLE 1</b>							
100.100	am	(P-7522; A-13939)	n	2650.400	(A-2660)		
100.110	am	(P-7522; A-13939)	n	2650.410	(A-2660)		
100.110	am	(P-7522; A-13939)	n	2650.II.A	(A-2660)		
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100.180	am	(P-7522; A-13939)					
100.220	am	(P-7522; A-13939)					
100.230	am	(P-7522; A-13939)		<b>TITLE 8</b>			
100.240	am	(P-7522; A-13939)		125.10	(PP-620; W-1574) (P-1583; A-8801)		
100.260	am	(P-7522; A-13939)		125.30	(PP-620; W-1574) (P-1583; A-8801)		
100.270	am	(P-7522; A-13939)		125.40	(PP-620; W-1574) (P-1583; A-8801)		
100.280	am	(P-7522; A-13939)		125.50	(PP-620; W-1574) (P-1583; A-8801)		
100.310	am	(P-7522; A-13939)		125.60	(PP-620; W-1574) (P-1583; A-8801)		
100.335	am	(P-7522; A-13939)		125.80	(PP-620; W-1574) (P-1583; A-8801)		
100.340	am	(P-7522; A-13939)		125.90	(PP-620; W-1574) (P-1583; A-8801)		
100.350	am	(P-7522; A-13939)		125.100	(PP-620; W-1574) (P-1583; A-8801)		
100.400	am	(P-7522; A-13939)		125.110	(PP-620; W-1574) (P-1583; A-8801)		
100.450	am	(P-7522; A-13939)		125.120	(PP-620; W-1574) (P-1583; A-8801)		
100.500	am	(P-7522; A-13939)		125.130	(PP-620; W-1574) (P-1583; A-8801)		
100.510	am	(P-7522; A-13939)		125.140	(PP-620; W-1574) (P-1583; A-8801)		
100.510	am	(P-7522; A-13939)		125.150	(PP-620; W-1574) (P-1583; A-8801)		
100.545	am	(P-7522; A-13939)		125.160	(PP-620; W-1574) (P-1583; A-8801)		
100.550	am	(P-7522; A-13939)		125.170	(PP-620; W-1574) (P-1583; A-8801)		
100.640	am	(P-7522; A-13939)		125.180	(PP-620; W-1574) (P-1583; A-8801)		
100.660	am	(P-7522; A-13939)		125.190	(PP-620; W-1574) (P-1583; A-8801)		
100.670	am	(P-7522; A-13939)		125.200	(PP-620; W-1574) (P-1583; A-8801)		
100.680	am	(P-7522; A-13939)		125.210	(PP-620; W-1574) (P-1583; A-8801)		
100.735	am	(P-7522; A-13939)		125.220	(PP-620; W-1574) (P-1583; A-8801)		
100.740	am	(P-7522; A-13939)		125.230	(PP-620; W-1574) (P-1583; A-8801)		
100.900	am	(P-7522; A-13939)		125.240	(PP-620; W-1574) (P-1583; A-8801)		
100.1010	am	(P-7522; A-13939)		125.250	(PP-620; W-1574) (P-1583; A-8801)		
100.1020	am	(P-7522; A-13939)		125.260	(PP-620; W-1574) (P-1583; A-8801)		
100.1100	am	(P-7522; A-13939)		125.270	(PP-620; W-1574) (P-1583; A-8801)		
100.1150	am	(P-7522; A-13939)		125.280	(PP-620; W-1574) (P-1583; A-8801)		
100.1200	am	(P-7522; A-13939)		125.290	(PP-620; W-1574) (P-1583; A-8801)		
100.1210	am	(P-7522; A-13939)		125.300	(PP-620; W-1574) (P-1583; A-8801)		
<b>TITLE 2</b>							
700.40	am	(A-6105)					
700.100	am	(A-6105)					
700.130	am	(A-6105)					
700.140	am	(A-6105)					
700.150	am	(A-6105)					
2025.120	n	(A-7897)					
2375.110	am	(A-1571)					
2650.10	n	(A-2660)					
2650.20	n	(A-2660)					
2650.30	n	(A-2660)					
2650.40	n	(A-2660)					
2650.50	n	(A-2660)					
2650.60	n	(A-2660)					
2650.100	n	(A-2660)					
2650.200	n	(A-2660)					
2650.205	n	(A-2660)					
2650.210	n	(A-2660)					
2650.220	n	(A-2660)					
2650.300	n	(A-2660)					
2650.310	n	(A-2660)					
2650.311	n	(A-2660)					
2650.312	n	(A-2660)					
2650.313	n	(A-2660)					
2650.314	n	(A-2660)					
2650.320	n	(A-2660)					
2650.330	n	(A-2660)					
2650.340	n	(A-2660)					







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1220.240	n	(P-8747)
1220.250	n	(P-8747)
1220.300	n	(P-8747)
1220.310	n	(P-8747)
1220.320	n	(P-8747)
1220.330	n	(P-8747)
1220.400	n	(P-8747)
1220.410	n	(P-8747)
1220.500	n	(P-8747)
1220.510	n	(P-8747)
1220.520	n	(P-8747)
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110.5	am	(P-10251; A-14423)
110.175	n	(P-10251; A-14423)
115.30	am	(P-3365; A-9948)
220.20	am	(P-16182/90; A-1495)
220.30	am	(P-16182/90; A-1495)
220.40	am	(P-16182/90; A-1495)
220.50	am	(P-16182/90; A-1495)
220.60	am	(P-9233; A-14418)
220.70	am	(P-16182/90; A-1495)
220.80	am	(P-16182/90; A-1495)
510.10	am	(P-4829; A-9966)
525.10	n	(P-18397/90; A-4149)
525.20	am	(P-18397/90; A-4149)
525.30	n	(P-18397/90; A-4149)
525.40	am	(P-15647)
525.50	am	(P-18397/90; A-4149)
525.60	n	(P-18397/90; A-4149)
525.70	am	(P-4805; A-9924)
525.80	am	(P-4805; A-9924)
530.80	am	(E-16124)
530.90	am	(P-4805; A-9924)
530.100	am	(P-4805; A-9924)
530.105	am	(P-4805; A-9924) (P-12086)
530.110	am	(E-16124)
530.120	am	(P-4805; A-9924)
530.130	am	(P-4805; A-9924)
530.140	am	(P-6823; A-11598)
530.150	am	(P-6823; A-11598)
530.160	am	(P-6823; A-11598)
530.170	am	(P-6811; A-11586)
530.180	am	(P-6811; A-11586)
530.190	am	(P-6811; A-11586)
530.200	am	(P-7809; A-13293) (P-14157)
530.210	am	(P-7809; A-13293) (P-14157)
530.220	am	(E-16745)
530.230	am	(P-7809; A-13293)
530.240	am	(P-7809; A-13293)
530.250	am	(P-7809; A-13293)
530.260	am	(P-7809; A-13293)
530.270	am	(P-7809; A-13293)
530.280	am	(P-7809; A-13293)
530.290	am	(E-16745)
530.300	am	(P-7809; A-13293)
530.310	am	(P-4853; A-10038)
530.320	am	(P-4853; A-10038)
530.330	am	(P-4853; A-10038)
530.340	am	(P-4853; A-10038)
530.350	am	(P-4853; A-10038)
530.360	am	(P-4853; A-10038)
530.370	am	(P-4853; A-10038)
530.380	am	(P-4853; A-10038)
530.390	am	(P-4853; A-10038)
530.400	am	(P-4853; A-10038)
530.410	am	(P-4853; A-10038)
530.420	am	(P-4853; A-10038)
530.430	am	(P-4853; A-10038)
530.440	am	(P-4853; A-10038)
530.450	am	(P-4853; A-10038)
530.460	am	(P-4853; A-10038)
530.470	am	(P-4853; A-10038)
530.480	am	(P-4853; A-10038)
530.490	am	(P-4853; A-10038)
530.500	am	(P-4853; A-10038)
530.510	am	(P-4853; A-10038)
530.520	am	(P-4853; A-10038)
530.530	am	(P-4853; A-10038)
530.540	am	(P-4853; A-10038)
530.550	am	(P-4853; A-10038)
530.560	am	(P-4853; A-10038)
530.570	am	(P-4853; A-10038)
530.580	am	(P-4853; A-10038)
530.590	am	(P-4853; A-10038)
530.600	am	(P-4853; A-10038)
530.610	am	(P-4853; A-10038)
530.620	am	(P-4853; A-10038)
530.630	am	(P-4853; A-10038)
530.640	am	(P-4853; A-10038)
530.650	am	(P-4853; A-10038)
530.660	am	(P-4853; A-10038)
530.670	am	(P-4853; A-10038)
530.680	am	(P-4853; A-10038

## TITLE 17

ann	(P-10251; A-14423)	660.50	n	(P-19123/90; A-4777)
n	(P-10251; A-14423)	660.60	am	(P-6851; A-11627)
ann	(P-3365; A-9948)	670.10	am	(P-4836; A-10021)
ann	(P-16182/90; A-1495)	670.20	am	(P-4836; A-10021)
ann	(P-16182/90; A-1495)	670.30	am	(P-4836; A-10021)
ann	(P-16182/90; A-1495)	670.40	am	(P-4836; A-10021)
ann	(P-16182/90; A-1495)	670.60	am	(P-4836; A-10021) (P-10255; A-16691)
ann	(P-9233; A-14418)	680.10	n	(P-8107; A-13353)
ann	(P-16182/90; A-1495)	680.20	n	(P-8107; A-13353)
ann	(P-16182/90; A-1495)	680.30	n	(P-8107; A-13353)
ann	(P-4829; A-9966)	680.40	n	(P-8107; A-13353)
n	(P-18397/90; A-4149)	680.50	n	(P-8107; A-13353)
n	(P-18397/90; A-4149)	680.60	n	(P-8107; A-13353)
n	(P-18397/90; A-4149)	680.70	n	(P-8107; A-13353)
n	(P-18397/90; A-4149)	690.20	am	(P-4214; A-10012)
ann	(P-15647)	690.30	am	(P-4214; A-10012)
n	(P-18397/90; A-4149)	710.10	am	(P-18409/90; A-4161)
n	(P-18397/90; A-4149)	710.20	am	(P-18409/90; A-4161)
ann	(P-4805; A-9924)	710.20	am	(P-18409/90; A-4161)
ann	(P-4805; A-9924)	710.21	n	(P-18409/90; A-4161)
ann	(P-4805; A-9924)	710.30	am	(P-18409/90; A-4161)
ann	(P-4805; A-9924) (P-12086)	710.50	am	(P-18409/90; A-4161)
ann	(P-4805; A-9924)	710.60	am	(P-18409/90; A-4161)
ann	(P-6823; A-11598)	715.10	am	(P-6842; A-11618)
ann	(P-6823; A-11598)	715.20	am	(P-6842; A-11618)
ann	(P-6823; A-11598)	715.30	am	(P-6842; A-11618)
ann	(P-6811; A-11586)	715.40	am	(P-6842; A-11618)
ann	(P-6811; A-11586)	720.10	am	(P-6836; A-11611)
ann	(P-6811; A-11586)	720.30	am	(P-6836; A-11611)
ann	(P-7809; A-13293) (P-14157)	720.40	am	(P-6836; A-11611)
ann	(P-7809; A-13293) (P-14157)	730.10	am	(P-4200; A-9951)
ann	(P-7809; A-13293) (P-14157)	730.20	am	(P-4200; A-9951)
ann	(P-7809; A-13293)	730.30	am	(P-4200; A-9951)
ann	(P-7809; A-13293)	740.10	am	(P-4222; A-10057)
ann	(P-7809; A-13293)	740.20	am	(P-4222; A-10057)
ann	(P-7809; A-13293)	810.30	r	(P-18905/90; A-4699)
ann	(P-7809; A-13293)	810.35	am	(P-18905/90; A-4699)
ann	(P-7809; A-13293) (P-14157)	810.35	am	(P-8101; A-13347)
r	(P-16745)	810.37	n	(P-18905/90; A-4699)
ann	(P-7809; A-13293)	810.40	am	(P-18905/90; A-4699)
ann	(P-4853; A-10038)	810.45	n	(P-18905/90; A-4699)
ann	(P-4853; A-10038)	810.45	am	(P-5160; A-9977) (E-5430)
ann	(P-4853; A-10038)	810.50	am	(P-18905/90; A-4699)
ann	(P-4853; A-10038)	810.70	am	(P-18905/90; A-4699)
ann	(P-4853; A-10038)	830.05	am	(P-2057; RC-8314; A-8544)
ann	(P-4853; A-10038) (E-15790)	830.20	am	(P-2057; RC-8314; A-8544)

**TITLE 17 (CONT'D)**

(P-2057; RC-8314; A-8544)	4160.110	n	(P-1680; A-10596)
(P-2057; RC-8314; A-8544)	4160.120	n	(P-1680; A-10596)
(P-2057; RC-8314; A-8544)	4160.130	n	(P-1680; A-10596)
(P-2057; RC-8314; A-8544)	4160.140	n	(P-1680; A-10596)
(P-13603)	4160.150	n	(A-10596)
(P-13603)	4160.160	n	(P-1680; A-10596)
(P-13603)	4160.170	n	(P-1680; A-10596)
(P-13603)	4160.180	n	(P-1680; A-10596)
(P-13603)	4170.100	n	(P-15209)
(P-13603)	4170.110	n	(P-15209)
(P-6807; A-11581)	4170.200	n	(P-15209)
(P-6807; A-11581)	4170.210	n	(P-15209)
(P-13594)	4170.300	n	(P-15209)
(P-7855; A-13341)	4170.310	n	(P-15209)
(P-20117/90; A-5219)	4170.320	n	(P-15209)
(P-16174/90; A-32)	4170.330	n	(P-15209)
(P-11359; A-16681)	4170.340	n	(P-15209)
(P-16174/90; A-32) (P-11359; A-16681)	4170.400	n	(P-15209)
	4170.410	n	(P-15209)
(P-16174/90; A-32)	4170.420	n	(P-15209)
(P-11359; A-16681)	4170.430	n	(P-15209)
(P-11359; A-16681)	4170.440	n	(P-15209)
(P-725; A-7653)	4170.500	n	(P-15209)
(P-3655; A-9973)	4170.600	n	(P-15209)
(P-3655; A-9973)	4170.610	n	(P-15209)
(P-14794)	4170.620	n	(P-15209)
(P-14794)	4170.630	n	(P-15209)
(P-14794)	4170.640	n	(P-15209)
(P-14794)	4170.650	n	(P-15209)
(P-14820)	4170.700	n	(P-15209)
(P-14820)	4170.710	n	(P-15209)
(P-14820)	4170.720	n	(P-15209)
<b>TITLE 20</b>			
	107.140	n	(P-19507/90; A-5638)
	210.20	am	(P-17010)
	210.30	am	(P-17010)
	405.10	am	(P-1; A-5642)
	405.15	am	(P-1; A-5642)
	405.17	am	(P-1; A-5642)
	405.20	am	(P-1; A-5642)
	405.30	am	(P-1; A-5642)
	405.40	r	(P-1; A-5642)
	405.50	am	(P-1; A-5642)
	405.55	am	(P-1; A-5642)
	405.60	am	(P-1; A-5642)
	405.70	am	(P-1; A-5642)
	415.15	am	(P-15228/90; A-988)
	415.20	am	(P-15228/90; A-988)
	415.30	am	(P-15228/90; A-988)
	415.70	n	(P-15228/90; O-21107/90; R-1168; A-988)
	460.10	am	(P-18421/90; A-3479)
	460.12	am	(P-18421/90; A-3479)
	460.15	am	(P-18421/90; A-3479)
	460.20	am	(P-18421/90; A-3479)
	460.30	am	(P-18421/90; A-3479)
	460.40	am	(P-18421/90; A-3479)
	460.50	am	(P-18421/90; A-3479)
	460.60	am	(P-18421/90; A-3479)
	460.70	am	(P-18421/90; A-3479)
	460.80	am	(P-18421/90; A-3479)
	460.90	am	(P-18421/90; A-3479)







TITLE 32 (CONT'D)

TITLE	32	(CONT'D)
360.20	am	(P-6940/90; A-6180)
360.30	am	(P-6940/90; A-6180)
360.40	am	(P-6940/90; A-6180)
360.50	am	(P-6940/90; A-6180)
360.60	am	(P-6940/90; A-6180)
360.70	am	(P-6940/90; A-6180)
360.71	n	(P-6940/90; A-6180)
360.Ap.A	n	(P-6940/90; A-6180)
360.II.A	n	(P-6940/90; A-6180)
360.II.B	n	(P-6940/90; A-6180)
360.Ib.C	am	(P-6940/90; A-6180)
370.10	r	(P-11653/90; RC-8316; A-10846)
370.20	r	(P-11653/90; RC-8316; A-10846)
370.25	r	(P-11653/90; RC-8316; A-10846)
370.30	r	(P-11653/90; RC-8316; A-10846)
370.40	r	(P-11653/90; RC-8316; A-10846)
401.20	am	(P-1390; A-7054)
401.30	am	(P-1390; A-7054)
401.40	am	(P-1390; A-7054)
401.50	am	(P-1390; A-7054)
401.60	am	(P-1390; A-7054)
401.70	am	(P-1390; A-7054)
401.80	am	(P-1390; A-7054)
401.100	am	(P-1390; A-7054)
401.110	am	(P-1390; A-7054)
401.130	am	(P-1390; A-7054)
401.140	am	(P-1390; A-7054)
401.Ap.A	n	(P-1390; A-7054)
401.Ap.B	n	(P-1390; A-7054)
606.20	am	(P-20573/90; A-8958)
606.30	am	(P-20573/90; A-8958)
606.60	am	(P-20573/90; A-8958)
<b>TITLE 35</b>		
101.103	am	(P-9822)
201.102	am	(P-780)
201.401	am	(P-13627) (P-15875)
211.101	am	(P-4573; A-15673)
211.122	am	(P-12697/90; A-5223) (P-6385; A-15564; C-16524) (P-8416/90; A-7901) (P-13627) (P-15875)
212.107	n	(P-13660) (P-16564)
212.108	n	(P-13660) (P-16564)
212.109	n	(P-13660) (P-16564)
212.110	am	(P-4668; A-15708) (P-13660) (P-16564)
212.111	am	(P-4668; A-15708)
212.113	am	(P-4668; A-15708) (P-13660) (P-16564)
212.205	am	(P-791)
212.210	n	(P-16564)
212.302	am	(P-13660) (P-16564)
212.309	am	(P-13660) (P-16564)
212.316	n	(P-13660) (P-16564)
212.324	n	(P-13660) (P-16564)
212.362	n	(P-13660) (P-16564)
212.423	n	(P-4668; A-15708)
212.424	n	(P-4668; A-15708)
212.425	am	(P-13660) (P-16564)
212.443	am	(P-791)
212.458	n	(P-13660) (P-16564)
212.464	n	(P-13660) (P-16564)
212.II.D	n	(P-13660) (P-16564)
212.II.E	n	(P-13660) (P-16564)
212.II.F	n	(P-13660) (P-16564)
214.101	am	(P-11098/90; A-1017)
214.104	am	(P-11098/90; A-1017)
215.100	am	(P-3659; A-12217)
215.102	am	(P-8877/90; A-8018)
215.105	am	(P-8877/90; A-8018)
215.108	am	(P-6414) (P-8877/90; A-8018)
215.109	n	(P-6414; A-15595)
215.123	am	(P-768)
215.215	n	(P-11059)
215.480	am	(P-8877/90; A-8018)
215.481	am	(P-8877/90; A-8018)
215.482	am	(P-8877/90; A-8018)
215.483	am	(P-8877/90; A-8018)
215.484	am	(P-8877/90; A-8018)
215.485	am	(P-8877/90; A-8018)
215.486	am	(P-8877/90; A-8018)
215.487	am	(P-8877/90; A-8018)
215.488	am	(P-8877/90; A-8018)
215.489	#	(P-8877/90; A-8018)
215.490	n	(P-8877/90; A-8018)
215.491	#	(P-8877/90; A-8018)
215.490	am	(P-8877/90; A-8018)
215.581	am	(P-3659; A-12217)
215.585	am	(P-12701/90; A-3309)
218.100	n	(P-3675; A-12231)
218.101	n	(P-3675; A-12231)
218.102	n	(P-3675; A-12231)
218.103	n	(P-3675; A-12231)
218.104	n	(P-3675; A-12231)
218.105	n	(P-3675; A-12231)
218.106	n	(P-3675; A-12231)

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TITLE 35 (CONT'D)

232.Ap. B	(P-14969)	n	615.105	(P-10303)	n
232.Ap. C	(P-14969)	n	615.201	(P-10303)	n
240.102	(P-12109)	am	615.202	(P-10303)	n
240.122	(P-12109)	am	615.203	(P-10303)	n
240.140	(P-12109)	n	615.205	(P-10303)	n
240.141	(P-12109)	n	615.206	(P-10303)	n
240.142	(P-12109)	n	615.207	(P-10303)	n
240.143	(P-12109)	n	615.208	(P-10303)	n
240.144	(P-12109)	n	615.209	(P-10303)	n
240.145	(P-12109)	n	615.210	(P-10303)	n
240.146	(P-12109)	n	615.211	(P-10303)	n
240.147	(P-12109)	n	615.301	(P-10303)	n
240.148	(P-12109)	n	615.302	(P-10303)	n
270.10	(P-14845)	n	615.303	(P-10303)	n
270.20	(P-14845)	n	615.304	(P-10303)	n
270.30	(P-14845)	n	615.305	(P-10303)	n
270.40	(P-14845)	n	615.306	(P-10303)	n
270.50	(P-14845)	n	615.307	(P-10303)	n
270.60	(P-14845)	n	615.401	(P-10303)	n
270.70	(P-14845)	n	615.402	(P-10303)	n
270.80	(P-14845)	n	615.403	(P-10303)	n
276.101	(P-13607)	am	615.404	(P-10303)	n
276.102	(P-13607)	am	615.421	(P-10303)	n
276.204	(P-13607)	am	615.422	(P-10303)	n
276.206	(P-13607)	n	615.423	(P-10303)	n
276.301	(P-13607)	am	615.424	(P-10303)	n
276.303	(P-13607)	am	615.425	(P-10303)	n
276.304	(P-13607)	am	615.441	(P-10303)	n
276.307	(P-13607)	am	615.442	(P-10303)	n
276.308	(P-13607)	n	615.443	(P-10303)	n
276.309	(P-13607)	n	615.444	(P-10303)	n
276.310	(P-13607)	#	615.445	(P-10303)	n
276.311	(P-13607)	am	615.446	(P-10303)	n
276.311	(P-13607)	#	615.447	(P-10303)	n
276.401	(P-13607)	am	615.461	(P-10303)	n
276.701	(P-13607)	am	615.462	(P-10303)	n
276.702	(P-13607)	am	615.463	(P-10303)	n
276.703	(P-13607)	am	615.501	(P-10303)	n
303.203	(P-17026)	am	615.502	(P-10303)	n
304.211	(P-9700/90; A-241)	n	615.601	(P-10303)	n
360.601	(P-15202)	am	615.602	(P-10303)	n
360.602	(P-15202)	am	615.603	(P-10303)	n
501.102	(P-3141; A-10075)	am	615.604	(P-10303)	n
501.200	(P-3141; A-10075)	n	615.621	(P-10303)	n
501.246	(P-3141; A-10075)	n	615.622	(P-10303)	n
501.248	(P-3141; A-10075)	n	615.623	(P-10303)	n
501.274	(P-3141; A-10075)	n	615.701	(P-10303)	n
501.317	(P-3141; A-10075)	n	615.702	(P-10303)	n
501.330	(P-3141; A-10075)	am	615.703	(P-10303)	n
501.342	(P-3141; A-10075)	n	615.704	(P-10303)	n
501.356	(P-3141; A-10075)	n	615.705	(P-10303)	n
501.372	(P-3141; A-10075)	n	615.721	(P-10303)	n
501.402	(P-3141; A-10075)	am	615.722	(P-10303)	n
501.404	(P-3141; A-10075)	am	615.723	(P-10303)	n
501.405	(P-3141; A-10075)	am	615.724	(P-10303)	n
601.105	(P-9829)	am	616.101	(P-9836)	n
611.325	(P-17154/90; A-1562)	am	616.102	(P-9836)	n
611.521	(P-17154/90; A-1562)	am	616.104	(P-9836)	n
615.101	(P-10303)	n	616.105	(P-9836)	n
615.102	(P-10303)	n	616.201	(P-9836)	n
615.103	(P-10303)	n	616.202	(P-9836)	n
615.104	(P-10303)	n	616.203	(P-9836)	n

TITLE 35 (CONT'D)

616.204	(P-9836)	n	620.210	(P-4234; W-13569)	n
616.205	(P-9836)	n	620.220	(P-4234; W-13569)	n
616.206	(P-9836)	n	620.230	(P-4234; W-13569)	n
616.207	(P-9836)	n	620.240	(P-4234; W-13569)	n
616.208	(P-9836)	n	620.250	(P-4234; W-13569)	n
616.209	(P-9836)	n	620.260	(P-4234; W-13569)	n
616.210	(P-9836)	n	620.301	(P-4234; W-13569)	n
616.211	(P-9836)	n	620.302	(P-4234; W-13569)	n
616.301	(P-9836)	n	620.305	(P-4234; W-13569)	n
616.302	(P-9836)	n	620.307	(P-4234; W-13569)	n
616.304	(P-9836)	n	620.310	(P-4234; W-13569)	n
616.305	(P-9836)	n	620.320	(P-4234; W-13569)	n
616.306	(P-9836)	n	620.330	(P-4234; W-13569)	n
616.307	(P-9836)	n	620.340	(P-4234; W-13569)	n
616.401	(P-9836)	n	620.350	(P-4234; W-13569)	n
616.402	(P-9836)	n	620.360	(P-4234; W-13569)	n
616.421	(P-9836)	n	620.401	(P-4234; W-13569)	n
616.422	(P-9836)	n	620.410	(P-4234; W-13569)	n
616.423	(P-9836)	n	620.415	(P-4234; W-13569)	n
616.424	(P-9836)	n	620.420	(P-4234; W-13569)	n
616.425	(P-9836)	n	620.430	(P-4234; W-13569)	n
616.441	(P-9836)	n	620.440	(P-4234; W-13569)	n
616.442	(P-9836)	n	620.450	(P-4234; W-13569)	n
616.443	(P-9836)	n	620.501	(P-4234; W-13569)	n
616.444	(P-9836)	n	620.505	(P-4234; W-13569)	n
616.445	(P-9836)	n	620.510	(P-4234; W-13569)	n
616.446	(P-9836)	n	620.515	(P-4234; W-13569)	n
616.447	(P-9836)	n	620.517	(P-4234; W-13569)	n
616.461	(P-9836)	n	620.520	(P-4234; W-13569)	n
616.462	(P-9836)	n	620.525	(P-4234; W-13569)	n
616.463	(P-9836)	n	620.601	(P-4234; W-13569)	n
616.464	(P-9836)	n	620.605	(P-4234; W-13569)	n
616.501	(P-9836)	n	620.610	(P-4234; W-13569)	n
616.502	(P-9836)	n	620.615	(P-4234; W-13569)	n
616.601	(P-9836)	n	620.Ap.A	(P-4234; W-13569)	n
616.602	(P-9836)	n	620.Ap.B	(P-4234; W-13569)	n
616.603	(P-9836)	n	620.Ap.C	(P-4234; W-13569)	n
616.604	(P-9836)	n	703.183	(P-2376; A-9616)	am
616.605	(P-9836)	n	703.208	(P-6059)	n
616.621	(P-9836)	n	703.210	(P-2376; A-9616)	n
616.622	(P-9836)	n	703.211	(P-2376; A-9616)	n
616.623	(P-9836)	n	703.212	(P-6059; A-14554)	n
616.624	(P-9836)	n	703.Ap.A	(P-2376; A-9616)	am
616.625	(P-9836)	n	720.110	(P-5980; A-14446)	am
616.701	(P-9836)	n	720.111	(P-2066; A-9323)	am
616.702	(P-9836)	n	720.111	(P-5980; A-14446)	am
616.703	(P-9836)	n	721.104	(P-13925/90; A-7934)	am
616.704	(P-9836)	n	721.106	(P-2075; A-9332)	am
616.705	(P-9836)	n	721.110	(P-6001; A-14473)	am
616.721	(P-9836)	n	721.111	(P-2075; A-9332)	am
616.722	(P-9836)	n	721.112	(P-13938/90; A-7950)	am
616.723	(P-9836)	n	721.120	(P-2075; A-9332)	am
616.724	(P-9836)	n	721.121	(P-2075; A-9332)	am
617.101	(P-9836)	n	721.122	(P-2075; A-9332)	am
617.102	(P-9836)	n	721.123	(P-2075; A-9332)	am
620.105	(P-9836)	n	721.124	(P-2075; A-9332)	am
620.110	(P-9836)	n	721.131	(P-2075; A-9332)	am
620.115	(P-9836)	n	721.132	(P-6001; A-14473)	am
620.125	(P-9836)	n	721.133	(P-2075; A-9332)	am
620.130	(P-9836)	n			
620.135	(P-9836)	n			
620.201	(P-9836)	n			



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TITLE 35 (CONT'D)				an
II. F		n		
849.101	(P-7763/90; A-7959)	r		450.1550
849.102	(PR-13265)	r		500.10
849.103	(PR-13265)	r		500.100
849.104	(PR-13265)	r		500.110
849.105	(PR-13265)	r		500.120
849.106	(PR-13265)	r		500.130
850.101	(PR-13265)	r		500.140
850.102	(P-8438)	n		500.150
850.103	(P-8438)	n		500.160
850.104	(P-8438)	n		500.170
850.105	(P-8438)	n		500.180
850.106	(P-8438)	n		500.190
850.107	(P-8438)	n		500.200
850.108	(P-8438)	n		500.210
850.109	(P-8438)	n		500.220
850.110	(P-8438)	n		500.230
850.111	(P-8438)	n		500.240
850.112	(P-8438)	n		500.250
850.113	(P-8438)	n		500.260
850.114	(P-8438)	n		500.270
850.115	(P-8438)	n		500.280
850.116	(P-8438)	n		500.290
850.117	(P-8438)	n		500.300
850.118	(P-8438)	n		500.310
850.119	(P-8438)	n		500.320
850.120	(P-8438)	n		500.330
850.121	(P-8438)	n		500.340
850.122	(P-8438)	n		500.350
850.123	(P-8438)	n		500.360
850.124	(P-8438)	n		500.370
850.125	(P-8438)	n		500.380
850.126	(P-8438)	n		500.390
850.127	(P-8438)	n		500.400
850.128	(P-8438)	n		500.410
850.129	(P-8438)	n		500.420
850.130	(P-8438)	n		500.430
850.131	(P-8438)	n		500.440
850.132	(P-8438)	n		500.450
850.133	(P-8438)	n		500.460
850.134	(P-8438)	n		500.470
850.135	(P-8438)	n		500.480
850.136	(P-8438)	n		500.490
850.137	(P-8438)	n		500.500
850.138	(P-8438)	n		500.510
850.139	(P-8438)	n		500.520
850.140	(P-8438)	n		500.530
850.141	(P-8438)	n		500.540
850.142	(P-8438)	n		500.550
850.143	(P-8438)	n		500.560
850.144	(P-8438)	n		500.570
850.145	(P-8438)	n		500.580
850.146	(P-8438)	n		500.590
850.147	(P-8438)	n		500.600
850.148	(P-8438)	n		500.610
850.149	(P-8438)	n		500.620
850.150	(P-8438)	n		500.630
850.151	(P-8438)	n		500.640
850.152	(P-8438)	n		500.650
850.153	(P-8438)	n		500.660
850.154	(P-8438)	n		500.670
850.155	(P-8438)	n		500.680
850.156	(P-8438)	n		500.690
850.157	(P-8438)	n		500.700
850.158	(P-8438)	n		500.710
850.159	(P-8438)	n		500.720
850.160	(P-8438)	n		500.730
850.161	(P-8438)	n		500.740
850.162	(P-8438)	n		500.750
850.163	(P-8438)	n		500.760
850.164	(P-8438)	n		500.770
850.165	(P-8438)	n		500.780
850.166	(P-8438)	n		500.790
850.167	(P-8438)	n		500.800
850.168	(P-8438)	n		500.810
850.169	(P-8438)	n		500.820
850.170	(P-8438)	n		500.830
850.171	(P-8438)	n		500.840
850.172	(P-8438)	n		500.850
850.173	(P-8438)	n		500.860
850.174	(P-8438)	n		500.870
850.175	(P-8438)	n		500.880
850.176	(P-8438)	n		500.890
850.177	(P-8438)	n		500.900
850.178	(P-8438)	n		500.910
850.179	(P-8438)	n		500.920
850.180	(P-8438)	n		500.930
850.181	(P-8438)	n		500.940
850.182	(P-8438)	n		500.950
850.183	(P-8438)	n		500.960
850.184	(P-8438)	n		500.970
850.185	(P-8438)	n		500.980
850.186	(P-8438)	n		500.990
850.187	(P-8438)	n		501.000
850.188	(P-8438)	n		501.010
850.189	(P-8438)	n		501.020
850.190	(P-8438)	n		501.030
850.191	(P-8438)	n		501.040
850.192	(P-8438)	n		501.050
850.193	(P-8438)	n		501.060
850.194	(P-8438)	n		501.070
850.195	(P-8438)	n		501.080
850.196	(P-8438)	n		501.090
850.197	(P-8438)	n		501.100
850.198	(P-8438)	n		501.110
850.199	(P-8438)	n		501.120
850.200	(P-8438)	n		501.130
850.201	(P-8438)	n		501.140
850.202	(P-8438)	n		501.150
850.203	(P-8438)	n		501.160
850.204	(P-8438)	n		501.170
850.205	(P-8438)	n		501.180
850.206	(P-8438)	n		501.190
850.207	(P-8438)	n		501.200
850.208	(P-8438)	n		501.210
850.209	(P-8438)	n		501.220
850.210	(P-8438)	n		501.230
850.211	(P-8438)	n		501.240
850.212	(P-8438)	n		501.250
850.213	(P-8438)	n		501.260
850.214	(P-8438)	n		501.270
850.215	(P-8438)	n		501.280
850.216	(P-8438)	n		501.290
850.217	(P-8438)	n		501.300
850.218	(P-8438)	n		501.310
850.219	(P-8438)	n		501.320
850.220	(P-8438)	n		501.330
850.221	(P-8438)	n		501.340
850.222	(P-8438)	n		501.350
850.223	(P-8438)	n		501.360
850.224	(P-8438)	n		501.370
850.225	(P-8438)	n		501.380
850.226	(P-8438)	n		501.390
850.227	(P-8438)	n		501.400
850.228	(P-8438)	n		501.410
850.229	(P-8438)	n		501.420
850.230	(P-8438)	n		501.430
850.231	(P-8438)	n		501.440
850.232	(P-8438)	n		501.450
850.233	(P-8438)	n		501.460
850.234	(P-8438)	n		501.470
850.235	(P-8438)	n		501.480
850.236	(P-8438)	n		501.490
850.237	(P-8438)	n		501.500
850.238	(P-8438)	n		501.510
850.239	(P-8438)	n		501.520
850.240	(P-8438)	n		501.530
850.241	(P-8438)	n		501.540
850.242	(P-8438)	n		501.550
850.243	(P-8438)	n		501.560
850.244	(P-8438)	n		501.570
850.245	(P-8438)	n		501.580
850.246	(P-8438)	n		501.590
850.247	(P-8438)	n		501.600
850.248	(P-8438)	n		501.610
850.249	(P-8438)	n		501.620
850.250	(P-8438)	n		501.630
850.251	(P-8438)	n		501.640
850.252	(P-8438)	n		501.650
850.253	(P-8438)	n		501.660
850.254	(P-8438)	n		501.670
850.255	(P-8438)	n		501.680
850.256	(P-8438)	n		501.690
850.257	(P-8438)	n		501.700
850.258	(P-8438)	n		501.710
850.259	(P-8438)	n		501.720
850.260	(P-8438)	n		501.730
850.261	(P-8438)	n		501.740
850.262	(P-8438)	n		501.750
850.263	(P-8438)	n		501.760
850.264	(P-8438)	n		501.770
850.265	(P-8438)	n		501.780
850.266	(P-8438)	n		501.790
850.267	(P-8438)	n		501.800
850.268	(P-8438)	n		501.810
850.269	(P-8438)	n		501.820
850.270	(P-8438)	n		501.830
850.271	(P-8438)	n		501.840
850.272	(P-8438)	n		501.850
850.273	(P-8438)	n		501.860
850.274	(P-8438)	n		501.870
850.275	(P-8438)	n		501.880
850.276	(P-8438)	n		501.890
850.277	(P-8438)	n		501.900
850.278	(P-8438)	n		501.910
850.279	(P-8438)	n		501.920
850.280	(P-8438)	n		501.930
850.281	(P-8438)	n		501.940
850.282	(P-8438)	n		501.950
850.283	(P-8438)	n		501.960
850.284	(P-8438)	n		501.970
850.285	(P-8438)	n		501.980
850.286	(P-8438)	n		501.990
850.287	(P-8438)	n		502.000
850.288	(P-8438)	n		502.010
850.289	(P-8438)	n		502.020
850.290	(P-8438)	n		502.030
850.291	(P-8438)	n		502.040
850.292	(P-8438)	n		502.050
850.293	(P-8438)	n		502.060
850.294	(P-8438)	n		502.070
850.295	(P-8438)	n		502.080
850.296	(P-8438)	n		502.090
850.297	(P-8438)	n		502.100
850.298	(P-8438)	n		502.110
850.299	(P-8438)	n		502.120
850.300	(P-8438)	n		502.130
850.301	(P-8438)	n		502.140
850.302	(P-8438)	n		502.150
850.303	(P-8438)	n		502.160
850.304	(P-8438)	n		502.170
850.305	(P-8438)	n		502.180
850.306	(P-8438)	n		502.190
850.307	(P-8438)	n		502.200
850.308	(P-8438)	n		502.210
850.309	(P-8438)	n		502.220
850.310	(P-8438)	n		502.230
850.311	(P-8438)	n		502.240
850.312	(P-8438)	n		502.250
850.313	(P-8438)	n		502.260
850.314	(P-8438)	n		502.270
850.315	(P-8438)	n		502.280
850.316	(P-8438)	n		502.290
850.317	(P-8438)	n		502.300
850.318	(P-8438)	n		502.310
850.319	(P-8438)	n		502.320
850.320	(P-8438)	n		502.330
850.321	(P-8438)	n		502.340
850.322	(P-8438)	n		502.350
850.323	(P-8438)	n		502.360
850.324	(P-8438)	n		502.370
850.325	(P-8438)	n		502.380
850.326	(P-8438)	n		502.390
850.327	(P-8438)	n		502.400
850.328	(P-8438)	n		502.410
850.329	(P-8438)	n		502.420
850.330	(P-8438)	n		502.430
850.331	(P-8438)	n		502.440
850.332	(P-8438)	n		502.450
850.333	(P-8438)	n		502.460
850.334	(P-8438)	n		502.470
850.335	(P-8438)	n		502.480
850.336	(P-8438)	n		502.490
850.337	(P-8438)	n		502.500
850.338	(P-8438)	n		502.510
850.339	(P-8438)	n		502.520
850.340	(P-8438)	n		502.530
850.341	(P-8438)	n		502.540
850.342	(P-8438)	n		502.550
850.343	(P-8438)	n		502.560
850.344	(P-8438)	n		502.570
850.345	(P-8438)	n		502.580
850.346	(P-8438)	n		502.590
850.347	(P-8438)	n		502.600
850.348	(P-8438)	n		502.610
850.349	(P-8438)	n		502.620
850.350	(P-8438)	n		502.630
850.351	(P-8438)			

(P-2573; A-8580)	500.660	n
(P-5162; A-17374)	500.670	n
(P-5179; A-17376)	500.680	n
(P-5162; A-17374)	500.690	n
(P-5162; A-17374)	500.700	n
(P-5162; A-17374)	500.710	r
(P-5162; A-17374)	500.710	n
(P-5162; A-17374)	500.810	r
(P-5162; A-17374)	500.820	r
(P-5162; A-17374)	500.830	r
(P-5162; A-17374)	500.840	r
(P-5162; A-17374)	500.850	r
(P-5179; A-17376)	500.860	r
(P-5162; A-17374)	500.870	r
(P-5162; A-17374)	500.880	r
(P-5179; A-17376)	500.890	r
(P-5162; A-17374)	500.900	r
(P-5162; A-17374)	500.1010	r
(P-5179; A-17376)	1075.100	n
(P-5162; A-17374)	1075.110	n
(P-5179; A-17376)	1075.120	n
(P-5162; A-17374)	1075.130	n
(P-5179; A-17376)	1075.140	n
(P-5162; A-17374)	1075.200	n
(P-5179; A-17376)	1075.300	n
(P-5162; A-17374)	1075.310	n
(P-5162; A-17374)	1075.400	n
(P-5162; A-17374)	1075.410	n
(P-5162; A-17374)	1075.415	n
(P-5162; A-17374)	1075.420	n
(P-5179; A-17376)	1075.430	n
(P-5179; A-17376)	1075.440	n
(P-5179; A-17376)	1075.450	n
(P-5179; A-17376)	1075.455	n
(P-5179; A-17376)	1075.460	n
(P-5179; A-17376)	1075.465	n
(P-5179; A-17376)	1075.470	n
(P-5179; A-17376)	1075.480	n
(P-5179; A-17376)	1075.490	n
(P-5179; A-17376)	1075.500	n
(P-5179; A-17376)	1075.505	n
(P-5162; A-17374)	1075.510	n
(P-5179; A-17376)	1075.515	n
(P-5179; A-17376)	1075.520	n
(P-5179; A-17376)	1075.525	n
(P-5179; A-17376)	1075.530	n
(P-5179; A-17376)	1075.535	n
(P-5179; A-17376)	1075.540	n
(P-5179; A-17376)	1075.545	n
(P-5179; A-17376)	1075.550	n
(P-5179; A-17376)	1075.555	n
(P-5179; A-17376)	1075.560	n
(P-5179; A-17376)	1075.565	n
(P-5162; A-17374)	1075.570	n
(P-5162; A-17374)	1075.575	n
(P-5162; A-17374)	1075.580	n
(P-5179; A-17376)	1075.585	n
(P-5162; A-17374)	1075.600	n
(P-5162; A-17374)	1075.610	n
(P-5179; A-17376)	1075.620	n
(P-5162; A-17374)	1075.630	n
(P-5179; A-17376)	1075.640	n
(P-5179; A-17376)	1075.640	n

[illegible]



VOL. 15, ISSUE #48			SECTIONS AFFECTED INDEX			DECEMBER 2, 1991		
<b>TITLE 44</b>								
4000.30	am	(P-6882; A-11932)	110.100	am	(P-10985/90; O-19076/90; R-3127; A-4410)			
4000.60	am	(P-6882; A-11932)	110.105	n	(P-10985/90; O-19076/90; R-3127; A-4410)			
5030.130	am	(P-1203; A-8843)						
5040.110	am	(P-17403/90; A-7553)	110.130	am	(P-10985/90; O-19076/90; R-3127; A-4410)			
5040.350	am	(P-17403/90; A-7553)						
<b>TITLE 47</b>								
100.10	am	(P-14337; E-14604)	120.30	am	(P-13993)			
100.10	am	(P-14337; E-14604)	120.55	am	(P-13993)			
100.20	am	(P-14337; E-14604)	120.80	am	(P-13993)			
100.30	am	(P-15189/90; O-1575; A-3437)	120.110	am	(P-13993)			
100.40	am	(P-14337; E-14604)	120.115	am	(P-8617; A-16945 (P-13993)			
100.50	am	(P-14337; E-14604)	140.10	r	(PR-13241)			
100.85	am	(P-14337; E-14604)	140.20	r	(PR-13241)			
100.103	am	(P-14337; E-14604)	140.30	r	(PR-13241)			
100.105	am	(P-14337; E-14604)	140.40	r	(PR-13241)			
100.106	am	(P-15189/90; O-1575; A-3437)	140.50	r	(PR-13241)			
100.106	r	(P-14337; E-14604)	140.60	r	(PR-13241)			
100.110	am	(P-15189/90; O-1575; A-3437)	350.205	am	(P-9282; A-17110)			
100.110	am	(P-15189/90; O-1575; A-3437)	350.206	am	(P-9282; A-17110)			
100.111	am	(P-14337; E-14604)	360.102	am	(P-9260; A-17088)			
	am	(P-15189/90; O-1575; A-3437)	360.103	am	(P-9260; A-17088)			
	am	(P-15189/90; O-1575; A-3437)	360.104	am	(P-9260; A-17088)			
	am	(P-15189/90; O-1575; A-3437)	360.106	am	(P-9260; A-17088)			
100.111	r	(P-14337; E-14604)	360.202	am	(P-9260; A-17088)			
100.113	am	(P-15189/90; O-1575; R-3603; A-3437) (P-14337) (E-14604)	360.302	am	(P-9260; A-17088)			
100.115	am	(P-14337; E-14604)	360.305	am	(P-9260; A-17088)			
100.117	am	(P-15189/90; O-1575; A-3437)	360.306	am	(P-9260; A-17088)			
100.120	am	(P-15189/90; O-1575; A-3437)	360.307	#	(P-9260; A-17088)			
	am	(P-15189/90; O-1575; A-3437)	360.307	#	(P-9260; A-17088)			
	am	(P-14337) (E-14604)	360.308	#	(P-9260; A-17088)			
100.Ap. A	n	(P-14337) (E-14604)	360.308	#	(P-9260; A-17088)			
II.A	n	(P-14337) (E-14604)	360.309	am	(P-9260; A-17088)			
II.B	n	(P-14337) (E-14604)	360.309	am	(P-9260; A-17088)			
II.C	n	(P-14337) (E-14604)	360.310	#	(P-9260; A-17088)			
II.D	n	(P-14337) (E-14604)	360.310	#	(P-9260; A-17088)			
II.E	n	(P-14337) (E-14604)	360.310	am	(P-9260; A-17088)			
II.F	n	(P-14337) (E-14604)	360.401	am	(P-9260; A-17088)			
100.Ap. D	am	(P-14337) (E-14604)	360.501	am	(P-9260; A-17088)			
100.Ap. E	r	(P-14337) (E-14604)	360.502	am	(P-9260; A-17088)			
100.Ap. F	am	(P-15189/90; O-1575; A-3437)	360.503	am	(P-9260; A-17088)			
100.Ap. F	r	(P-14337) (E-14604)	360.504	am	(P-9260; A-17088)			
100.Ap. F	am	(P-15189/90; O-1575; A-3437)	360.505	am	(P-9260; A-17088)			

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TITLE 47 (CONT'D.)

754 Ex.C	am	(P-11911)	2008 Ap. E	(P-14859)	6602 Ap.K	n	(P-7391; A-15438)	2610.120	am	(P-3641; A-13137)
600.50	n	(P-11911)	2008 Ap. F	(P-14859)	6602 Ap.L	n	(P-7391; A-15438)	2610.130	am	(P-13074/90; A-10386)
600.60	n	(P-11911)	2008 Ap. G	(P-14859)	6602 Ap.M	n	(P-7391; A-15438)	2610.150	n	(P-13074/90; A-10386)
			2008 Ap. H	(P-14859)	6701 Ex. A	am	(P-17013)	2610 Ap.A	am	(P-16117/90; A-7595)
			2008 Ap. I	(P-14859)	7020.10	am	(P-18441/90; A-8221)	II.A	n	(P-16117/90; A-7595)
			2008 Ap. J	(P-14859)	7020.20	am	(P-18441/90; A-8221)	II.B	n	(P-16117/90; A-7595)
			2008 Ap. K	(P-14859)	7020.30	am	(P-18441/90; A-8221)	II.C	n	(P-16117/90; A-7595)
			2008 Ap. L	(P-14859)	7020.40	am	(P-18441/90; A-8221)	II.D	n	(P-16117/90; A-7595)
			2008 Ap. M	(P-14859)	7020.50	am	(P-18441/90; A-8221)	II.E	n	(P-16117/90; A-7595)
			2008 Ap. N	(P-14859)	7020.60	am	(P-18441/90; A-8221)			
			2008 Ap. O	(P-14859)	7020.70	am	(P-18441/90; A-8221)			
			2008 Ap. P	(P-14859)	7030.20	am	(P-18434/90; A-8214)			
			2009.20	(P-14859)	7100.70	am	(P-6863; A-16969)			
			2009.30	(P-5953; A-15061)	8010.20	am	(P-7518; A-15605)			
			2009.40	(P-5953; A-15061)	8010.30	am	(P-7518; A-15605)			
			2009.60	(P-5953; A-15061)						
			2009 Ex. A	(P-5953; A-15061)						
			2014.10	(P-5975;13360)						
			2014.20	(P-5975;13360)						
			2014.30	(P-5975;13360)						
			2014.40	(P-5975;13360)						
			2014.50	(P-5975;13360)						
			2015.50	(P-6878)						
			3113.40	(P-15244)						
			3119.20	(P-12127/90; A-69)						
			3119.30	(P-12127/90; A-69)						
			3119.40	(P-12127/90; A-69)						
			3119.50	(P-12127/90; A-69)						
			3119.60	(P-12127/90; A-69)						
			3119.70	(P-12127/90; A-69)						
			3119 Ex.A	(P-12127/90; A-69)						
			3119 Ex.B	(P-12127/90; A-69)						
			3119 Ex.C	(P-12127/90; A-69)						
			3119 Ex.D	(P-12127/90; A-69)						
			6101.10	(P-20205/89; A-199)						
			6101.20	(P-20205/89; A-199)						
			6101.40	(P-20205/89; A-199)						
			6101.50	(P-20205/89; A-199)						
			6101.100	(P-20205/89; A-199)						
			6101.110	(P-20205/89; A-199)						
			6101.111	(P-20205/89; A-199)						
			6101.112	(P-20205/89; A-199)						
			6101.130	(P-20205/89; A-199)						
			6101.140	(P-20205/89; A-199)						
			6101.140	(P-20205/89; A-199)						
			6101.141	(P-20205/89; A-199)						
			6101.141	(P-20205/89; A-199)						
			6101.142	(P-20205/89; A-199)						
			6101.160	(P-20205/89; A-199)						
			6101.20	(P-20205/89; A-199)						
			6602.10	(P-7391; A-15438)						
			6602.20	(P-7391; A-15438)						
			6602 Ap.A	(P-7391; A-15438)						
			6602 Ap.B	(P-7391; A-15438)						
			6602 Ap.C	(P-7391; A-15438)						
			6602 Ap.D	(P-7391; A-15438)						
			6602 Ap.E	(P-7391; A-15438)						
			6602 Ap.F	(P-7391; A-15438)						
			6602 Ap.G	(P-7391; A-15438)						
			6602 Ap.H	(P-7391; A-15438)						
			6602 Ap.I	(P-7391; A-15438)						
			6602 Ap.J	(P-7391; A-15438)						



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TITLE 56 (CONT'D)			TITLE 56 (CONT'D)			TITLE 59		
2765.55	am	(P-14032)	5300.760	am	(P-10521)	101.20	am	(P-3386; A-9316)
2765.60	am	(P-14032)	5300.765	n	(P-10521)	101.30	am	(P-3386; A-9316)
2765.67	n	(P-1034)	5300.770	am	(P-10521)	101.100	n	(P-14365) (E-14663)
2765.68	am	(P-11034)	5300.782	r	(P-10521)	106.25	am	(P-14674/90; A-1555)
2765.69	n	(P-11034)	5300.783	r	(P-10521)	108.45	am	(P-14674/90; A-1555)
2765.69	n	(P-11034)	5300.784	r	(P-10521)	108.10	am	(P-16718/90; A-6122)
2765.220	n	(P-3381; A-11122)	5300.785	am	(P-10521)	108.20	am	(P-16718/90; A-6122)
2765.225	n	(P-11034)	5300.786	r	(P-10521)	108.30	am	(P-16718/90; A-6122)
2765.228	n	(P-11034)	5300.787	r	(P-10521)	108.40	am	(P-16718/90; A-6122)
2765.230	n	(P-11034)	5300.825	am	(P-10521)	108.50	am	(P-16718/90; A-6122)
2765.325	am	(P-11034) (P-P-13910/90;	5300.865	am	(P-10521)	108.60	am	(P-16718/90; A-6122)
		A-185)	5300.920	am	(P-10521)	108.70	am	(P-16718/90; A-6122)
2765.328	n	(P-11034)	5300.930	am	(P-10521)	108.80	am	(P-16718/90; A-6122)
2765.325	am	(P-11034) (P-P-13910/90;	5300.940	am	(P-10521)	108.90	am	(P-16718/90; A-6122)
		A-185)	5300.950	am	(P-10521)	108.100	am	(P-16718/90; A-6122)
2765.328	n	(P-11034)	5300.960	am	(P-10521)	108.120	am	(P-16718/90; A-6122)
2770.110	am	(P-15659/90; A-172) (P-13257)	5300.1145	n	(P-10521)	108.130	am	(P-16718/90; A-6122)
2770.400	r	(P-3368; A-8553)	5300.1150	am	(P-10521)	108.140	am	(P-16718/90; A-6122)
2770.405	r	(P-3368; A-8553)	5300.1160	am	(P-10521)	108.150	am	(P-16718/90; A-6122)
2770.410	r	(P-3368; A-8553)	6000.10	am	(P-10521)	108.160	am	(P-16718/90; A-6122)
2770.415	r	(P-3368; A-8553)	6000.280	am	(P-10521)	108.200	am	(P-16718/90; A-6122)
2770.420	r	(P-3368; A-8553)	6000.330	n	(P-10521)	108.210	n	(P-16718/90; A-6122)
2815.105	am	(P-17152/90; A-1817)				108.300	am	(P-16718/90; A-6122)
2830.50	n	(P-10871; A-16960)				108.330	am	(P-16718/90; A-6122)
2875.5	r	(P-4555; A-10414)				108.140	am	(P-16718/90; A-6122)
2875.5	r	(P-4555; A-10414)				108.150	am	(P-16718/90; A-6122)
2875.10	r	(P-4555; A-10414)				108.160	am	(P-16718/90; A-6122)
2875.15	r	(P-4555; A-10414)				108.170	am	(P-16718/90; A-6122)
2875.20	r	(P-4555; A-10414)				108.180	am	(P-16718/90; A-6122)
2875.25	r	(P-4555; A-10414)				108.190	am	(P-16718/90; A-6122)
2875.30	r	(P-4555; A-10414)				108.200	am	(P-16718/90; A-6122)
2875.35	r	(P-4555; A-10414)				108.210	am	(P-16718/90; A-6122)
2875.40	r	(P-4555; A-10414)				108.220	am	(P-16718/90; A-6122)
2875.45	r	(P-4555; A-10414)				108.230	am	(P-16718/90; A-6122)
2875.50	r	(P-4555; A-10414)				108.240	am	(P-16718/90; A-6122)
2875.55	r	(P-4555; A-10414)				108.250	am	(P-16718/90; A-6122)
2875.60	r	(P-4555; A-10414)				108.260	am	(P-16718/90; A-6122)
2920.1	am	(P-5495; A-11416)				108.270	am	(P-16718/90; A-6122)
2920.40	am	(P-13905/90; A-180)				108.280	am	(P-16718/90; A-6122)
2920.66	n	(P-5495; A-11416)				108.290	am	(P-16718/90; A-6122)
2920.66	n	(P-5495; A-11416)				108.300	am	(P-16718/90; A-6122)
2920.69	am	(P-10521)				108.310	am	(P-16718/90; A-6122)
5300.10	am	(P-10521)				108.320	am	(P-16718/90; A-6122)
5300.20	am	(P-10521)				108.140	am	(P-16718/90; A-6122)
5300.30	am	(P-10521)				108.150	am	(P-16718/90; A-6122)
5300.40	am	(P-10521)				108.160	am	(P-16718/90; A-6122)
5300.40	am	(P-10521)				108.200	am	(P-16718/90; A-6122)
5300.210	am	(P-10521)				108.210	n	(P-16718/90; A-6122)
5300.310	am	(P-10521)				108.300	am	(P-16718/90; A-6122)
5300.450	am	(P-10521)				108.300	am	(P-16718/90; A-6122)
5300.460	am	(P-10521)				108.310	am	(P-16718/90; A-6122)
5300.550	r	(P-10521)				108.320	am	(P-16718/90; A-6122)
5300.560	am	(P-10521)				110.20	n	(P-8774; A-14435)
5300.570	r	(P-10521)				112.90	am	(P-15864)
5300.610	am	(P-10521)				115.410	am	(P-20138/90; A-8560)
5300.620	am	(P-10521)				117.100	n	(P-14671/90; A-1511)
5300.630	am	(P-10521)				117.110	n	(P-14671/90; A-1511)
5300.640	am	(P-10521)				117.120	n	(P-14671/90; A-1511)
5300.650	am	(P-10521)				117.125	n	(P-14671/90; A-1511)
5300.660	am	(P-10521)				117.130	n	(P-14671/90; A-1511)
5300.720	am	(P-10521)				117.135	n	(P-14671/90; A-1511)
5300.730	am	(P-10521)				117.140	n	(P-14671/90; A-1511)
5300.730	am	(P-10521)				117.145	n	(P-14671/90; A-1511)
5300.735	n	(P-10521)				117.200	n	(P-14671/90; A-1511)
5300.745	n	(P-10521)				117.205	n	(P-14671/90; A-1511)
5300.750	am	(P-10521)				117.210	n	(P-14671/90; A-1511)

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117.215	n	(P-14671/90; A-1511)	130.160	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.220	n	(P-14671/90; A-1511)	130.170	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.225	n	(P-14671/90; A-1511)	130.180	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.230	n	(P-14671/90; A-1511)	130.190	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.235	n	(P-14671/90; A-1511)	130.200	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.240	n	(P-14671/90; A-1511)	130.210	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.245	n	(P-14671/90; A-1511)	130.220	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.250	n	(P-14671/90; A-1511)	130.230	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.255	n	(P-14671/90; A-1511)	130.240	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.260	n	(P-14671/90; A-1511)	130.250	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.265	n	(P-14671/90; A-1511)	130.26. A	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.270	n	(P-14671/90; A-1511)	130.26. B	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)
117.275	n	(P-14671/90; A-1511)	TITLE 62		
117.280	n	(P-14671/90; A-1511)	220.160	am	(P-14277/90; A-1006)
117.285	n	(P-14671/90; A-1511)	240.10	am	(P-20140/90; W-5110) (P-8448; A-15493)
117.290	am	(E-18100/90; O-21140/90; R-1171)	240.200	n	(P-8448; A-15493)
117.295	am	(P-17744/90; A-8882)	240.210	n	(P-8448; A-15493)
117.300	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.220	n	(P-8448; A-15493)
117.305	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.230	re	(P-8448; A-15493)
117.310	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.240	n	(P-8448; A-15493)
117.315	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.250	n	(P-8448; A-15493)
117.320	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.255	re	(P-8448; A-15493)
117.325	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.260	n	(P-8448; A-15493)
117.330	r	(P-17744/90; A-8882)	240.265	r	(P-8448; A-15493)
117.335	r	(P-17744/90; A-8882)	240.270	r	(P-8448; A-15493)
117.340	am	(E-18100/90; O-21140/90; R-1171)	240.280	r	(P-8448; A-15493)
117.345	r	(E-18100/90; O-21140/90; R-1171)	240.300	n	(P-8448; A-15493)
117.350	r	(E-18100/90; O-21140/90; R-1171)	240.305	re	(P-8448; A-15493)
117.355	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.310	re	(P-8448; A-15493)
117.360	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.320	re	(P-8448; A-15493)
117.365	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.330	re	(P-8448; A-15493)
117.370	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.340	re	(P-8448; A-15493)
117.375	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.350	re	(P-8448; A-15493)
117.380	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.360	re	(P-8448; A-15493)
117.385	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.370	re	(P-8448; A-15493)
117.390	r	(E-18100/90; O-21140/90; R-1171)	240.380	n	(P-8448; A-15493)
117.395	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.390	n	(P-8448; A-15493)
117.400	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.400	n	(P-8448; A-15493)
117.405	n	(E-18100/90; O-21140/90; R-1171)	240.410	n	(P-8448; A-15493)
117.410	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.420	n	(P-8448; A-15493)
117.415	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.430	n	(P-8448; A-15493)
117.420	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.440	n	(P-8448; A-15493)
117.425	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.450	n	(P-8448; A-15493)
117.430	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.460	n	(P-8448; A-15493)
117.435	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.470	n	(P-8448; A-15493)
117.440	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.480	n	(P-8448; A-15493)
117.445	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.490	n	(P-8448; A-15493)
117.450	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.500	n	(P-8448; A-15493)
117.455	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.510	n	(P-8448; A-15493)
117.460	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.520	n	(P-8448; A-15493)
117.465	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.530	n	(P-8448; A-15493)
117.470	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.540	n	(P-8448; A-15493)
117.475	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.550	n	(P-8448; A-15493)
117.480	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.560	n	(P-8448; A-15493)
117.485	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.570	n	(P-8448; A-15493)
117.490	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.580	n	(P-8448; A-15493)
117.495	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.590	n	(P-8448; A-15493)
117.500	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.600	n	(P-8448; A-15493)
117.505	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.610	n	(P-8448; A-15493)
117.510	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.620	n	(P-8448; A-15493)
117.515	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.630	n	(P-8448; A-15493)
117.520	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.640	n	(P-8448; A-15493)
117.525	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.650	n	(P-8448; A-15493)
117.530	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.660	n	(P-8448; A-15493)
117.535	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.670	n	(P-8448; A-15493)
117.540	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.680	n	(P-8448; A-15493)
117.545	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.690	n	(P-8448; A-15493)
117.550	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.700	n	(P-8448; A-15493)
117.555	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.710	n	(P-8448; A-15493)
117.560	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.720	n	(P-8448; A-15493)
117.565	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.730	n	(P-8448; A-15493)
117.570	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.740	n	(P-8448; A-15493)
117.575	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.750	n	(P-8448; A-15493)
117.580	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.760	n	(P-8448; A-15493)
117.585	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.770	n	(P-8448; A-15493)
117.590	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.780	n	(P-8448; A-15493)
117.595	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.790	n	(P-8448; A-15493)
117.600	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.800	n	(P-8448; A-15493)
117.605	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.810	n	(P-8448; A-15493)
117.610	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.820	n	(P-8448; A-15493)
117.615	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.830	n	(P-8448; A-15493)
117.620	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.840	n	(P-8448; A-15493)
117.625	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.850	n	(P-8448; A-15493)
117.630	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.860	n	(P-8448; A-15493)
117.635	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.870	n	(P-8448; A-15493)
117.640	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.880	n	(P-8448; A-15493)
117.645	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.890	n	(P-8448; A-15493)
117.650	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.900	n	(P-8448; A-15493)
117.655	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.910	n	(P-8448; A-15493)
117.660	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.920	n	(P-8448; A-15493)
117.665	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.930	n	(P-8448; A-15493)
117.670	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.940	n	(P-8448; A-15493)
117.675	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.950	n	(P-8448; A-15493)
117.680	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.960	n	(P-8448; A-15493)
117.685	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.970	n	(P-8448; A-15493)
117.690	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.980	n	(P-8448; A-15493)
117.695	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	240.990	n	(P-8448; A-15493)
117.700	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.000	n	(P-8448; A-15493)
117.705	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.010	n	(P-8448; A-15493)
117.710	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.020	n	(P-8448; A-15493)
117.715	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.030	n	(P-8448; A-15493)
117.720	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.040	n	(P-8448; A-15493)
117.725	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.050	n	(P-8448; A-15493)
117.730	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.060	n	(P-8448; A-15493)
117.735	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.070	n	(P-8448; A-15493)
117.740	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.080	n	(P-8448; A-15493)
117.745	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.090	n	(P-8448; A-15493)
117.750	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.100	n	(P-8448; A-15493)
117.755	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.110	n	(P-8448; A-15493)
117.760	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.120	n	(P-8448; A-15493)
117.765	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.130	n	(P-8448; A-15493)
117.770	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.140	n	(P-8448; A-15493)
117.775	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.150	n	(P-8448; A-15493)
117.780	am	(E-18100/90; O-21140/90; R-1171) (P-17744/90; A-8882)	241.160	n	(P-8448; A-15493)
117.785	am	(			



TITLE 62 (CONT'D)

2400.11	n	(P-14365) (E-14679)	870.205	n	(P-12094)
1700.11	am	(P-1235)	870.210	n	(P-12094)
1701.Ap. A	am	(P-1242; A-17141)	870.215	n	(P-12094)
1702.1	n	(P-1221; A-17123)	870.220	n	(P-12094)
1702.5	n	(P-1221; A-17123)	870.225	n	(P-12094)
1702.10	n	(P-1221; A-17123)	870.230	n	(P-12094)
1702.11	n	(P-1221; A-17123)	870.235	n	(P-12094)
1702.11	n	(P-1221; A-17123)	870.240	n	(P-12094)
1702.12	n	(P-1221; A-17123)	870.245	n	(P-12094)
1702.13	n	(P-1221; A-17123)	870.300	n	(P-12094)
1702.14	n	(P-1221; A-17123)	870.305	n	(P-12094)
1702.15	n	(P-1221; A-17123)	870.310	n	(P-12094)
1702.16	n	(P-1221; A-17123)	870.315	n	(P-12094)
1702.17	n	(P-1221; A-17123)	870.320	n	(P-12094)
1702.18	n	(P-1221; A-17123)	870.325	n	(P-12094)
1761.11	am	(P-1212; A-17115)	870.400	n	(P-12094)
1761.12	am	(P-1212; A-17115)	870.405	n	(P-12094)
1772.11	am	(P-1347; A-17269)	870.500	n	(P-12094)
1772.14	am	(P-1347; A-17269)	870.505	n	(P-12094)
1773.5	am	(P-1352; A-17274)	870.510	n	(P-12094)
1773.11	am	(P-1352; A-17274)	1150.20	am	(P-2492)
1773.15	am	(P-1352; A-17274)	1150.30	am	(P-2492)
1773.17	am	(P-1352; A-17274)	1150.40	am	(P-2492)
1773.19	am	(P-1363)	1150.50	am	(P-2492)
1774.13	am	(P-1363; A-17284)	1150.60	am	(P-2492)
1778.14	am	(P-1342; A-17265)	1150.65	am	(P-2492)
1780.16	am	(P-1374; A-17294)	1150.70	am	(P-2492)
1780.37	am	(P-1374; A-17294)	1150.80	am	(P-2492)
1780.39	n	(P-1374; A-17294)	1150.90	am	(P-2492)
1784.21	am	(P-1382; A-17301)	1150.100	am	(P-2492)
1784.24	am	(P-1382; A-17301)	1150.110	am	(P-2492)
1784.30	n	(P-1382; A-17301)	1150.11.A	am	(P-2492)
1816.49	am	(P-1266; A-17166)	1200.30	am	(P-14369)
1816.68	am	(P-1266; A-17166)	1200.16	n	(P-2456/90; A-3051)
1816.84	am	(P-1266; A-17166)	1240.40	am	(P-2456/90; A-3051)
1816.111	am	(P-1266; A-17166)	1240.50	am	(P-2456/90; A-3051)
1816.116	am	(P-1266; A-17166)	1250.110	am	(P-1691; A-8238)
1816.117	am	(P-1266; A-17166)	1250.120	am	(P-1691; A-8238)
1816.150	am	(P-1266; A-17166)	1250.130	am	(P-1691; A-8238)
1816.151	n	(P-1266; A-17166)	1250.135	n	(P-1691; A-8238)
1816.Ap.A	am	(P-1266; A-17166)	1250.140	am	(P-1691; A-8238)
1817.49	am	(P-1314; A-17239)	1250.150	am	(P-1691; A-8238)
1817.68	am	(P-1314; A-17239)	1250.155	n	(P-1691; A-8238)
1817.84	am	(P-1314; A-17239)	1250.160	am	(P-1691; A-8238)
1817.116	am	(P-1314; A-17239)	1250.170	am	(P-1691; A-8238)
1817.117	am	(P-1314; A-17239)	1250.190	r	(P-1691; A-8238)
1817.150	am	(P-1314; A-17239)	1250.200	am	(P-1691; A-8238)
1817.151	n	(P-1314; A-17239)	1250.205	am	(P-1691; A-8238)
1823.14	am	(P-1368; A-17289)	1250.210	am	(P-1691; A-8238)
1823.15	am	(P-1368; A-17289)	1250.220	n	(P-1691; A-8238)
2501.7	am	(P-141; A-6513)	1255.10	n	(P-17030) (E-17411)
2501.10	am	(P-141; A-6513)	1255.20	n	(P-17030) (E-17411)
2501.13	am	(P-141; A-6513)	1255.30	n	(P-17030) (E-17411)
2501.16	am	(P-141; A-6513)	1255.40	n	(P-17030) (E-17411)
2501.19	am	(P-141; A-6513)	1255.50	n	(P-17030)
2501.25	am	(P-141; A-6513)	1255.60	n	(P-17030)
			1255.70	n	(P-17030)
			1255.80	n	(P-17030)
			1255.90	n	(P-17030)
			1270.5	n	(P-7378/90; A-5258)
			1275.10	am	(P-7378/90; A-5258)
			1275.10	n	(P-3218; A-10091) (E-3324)
			1275.13	n	(P-7378/90; A-5258)
			1275.15	am	(P-7378/90; A-5258)

TITLE 62 (CONT'D)					
240.395	n	(P-8448; A-15493)	240.910	rc	(A-8566)
240.410	r	(P-2014090; W-5110)	240.920	rc	(A-8566)
		(P-8448; A-15493)	240.930	rc	(A-8566)
240.410	n	(P-2014090; W-5110)	240.940	rc	(A-8566)
		(P-8448; A-15493)	240.950	rc	(A-8566)
240.420	r	(P-2014090; W-5110)	240.960	rc	(A-8566)
		(P-8448; A-15493)	240.970	rc	(A-8566)
240.420	n	(P-2014090; W-5110)	240.985	rc	(A-8566)
		(P-8448; A-15493)	240.990	rc	(A-8566)
240.430	r	(P-2014090; W-5110)	240.995	rc	(A-8566)
		(P-8448; A-15493)	240.995	rc	(P-14365) (E-14679)
240.430	n	(P-2014090; W-5110)	240.1200	rc	(A-8566) (CC-11641)
		(P-8448; A-15493)	240.1205	rc	(A-8566) (CC-11641)
240.440	n	(P-2014090; W-5110)	240.1210	rc	(A-8566) (CC-11641)
		(P-8448; A-15493)	240.1220	rc	(A-8566) (CC-11641)
240.450	n	(P-2014090; W-5110)	240.1230	rc	(A-8566) (CC-11641)
		(P-8448; A-15493)	240.1240	rc	(A-8566) (CC-11641)
240.460	n	(P-2014090; W-5110)	240.1250	rc	(A-8566) (CC-11641)
		(P-8448; A-15493)	240.1260	rc	(A-8566) (CC-11641)
240.470	n	(P-2014090; W-5110)	240.1270	rc	(A-8566) (CC-11641)
		(P-8448; A-15493)	240.1300	rc	(A-8566)
240.510	r	(P-8448; A-15493)	240.1305	rc	(A-8566)
240.600	n	(P-8448; A-15493)	240.1310	rc	(A-8566)
240.610	n	(P-8448; A-15493)	240.1320	rc	(A-8566)
240.610	n	(P-8448; A-15493)	240.1330	rc	(A-8566)
240.620	n	(P-8448; A-15493)	240.1340	rc	(A-8566)
240.620	n	(P-8448; A-15493)	240.1350	rc	(A-8566)
240.630	n	(P-8448; A-15493)	240.1360	rc	(A-8566)
240.630	n	(P-8448; A-15493)	240.1370	rc	(A-8566)
240.640	n	(P-8448; A-15493)	240.1380	rc	(A-8566)
240.640	n	(P-8448; A-15493)	240.1385	rc	(A-8566)
240.650	n	(P-8448; A-15493)	240.1390	rc	(A-8566)
240.650	r	(P-8448; A-15493)	240.1395	rc	(A-8566)
240.655	r	(P-8448; A-15493)	240.1400	rc	(A-8566) (CC-11641)
240.655	am	(P-1620590; A-2706)	240.1400	rc	(P-14365) (E-14679)
240.660	r	(P-8448; A-15493)	240.1400	n	(P-14365) (E-14679)
240.670	r	(P-8448; A-15493)	240.1400	rc	(A-8566) (CC-11641)
240.670	re	(A-8566)	240.1405	rc	(P-14365) (E-14679)
240.680	r	(P-8448; A-15493)	240.1410	rc	(A-8566) (CC-11641)
240.680	re	(A-8566)	240.1410	rc	(P-14365) (E-14679)
240.700	n	(P-8448; A-15493)	240.1410	n	(P-14365) (E-14679)
240.710	n	(P-8448; A-15493)	240.1420	rc	(A-8566) (CC-11641)
240.710	re	(A-8566)	240.1420	rc	(P-14365) (E-14679)
240.720	n	(P-8448; A-15493)	240.1420	n	(P-14365) (E-14679)
240.720	re	(A-8566)	240.1430	rc	(A-8566) (CC-11641)
240.730	n	(P-8448; A-15493)	240.1430	rc	(P-14365) (E-14679)
240.740	n	(P-8448; A-15493)	240.1430	n	(P-14365) (E-14679)
240.750	n	(P-8448; A-15493)	240.1440	rc	(A-8566) (CC-11641)
240.760	n	(P-8448; A-15493)	240.1440	rc	(P-14365) (E-14679)
240.770	n	(P-8448; A-15493)	240.1440	n	(P-14365) (E-14679)
240.780	n	(P-8448; A-15493)	240.1450	rc	(A-8566) (CC-11641)
240.790	rc	(P-8448; A-15493)	240.1450	rc	(P-14365) (E-14679)
240.805	rc	(A-8566)	240.1450	n	(P-14365) (E-14679)
240.810	rc	(A-8566)	240.1460	rc	(A-8566) (CC-11641)
240.820	rc	(A-8566)	240.1460	rc	(P-14365) (E-14679)
240.830	rc	(A-8566)	240.1460	n	(P-14365) (E-14679)
240.840	rc	(A-8566)	240.1470	rc	(A-8566) (CC-11641)
240.850	rc	(A-8566)	240.1470	rc	(P-14365) (E-14679)
240.860	rc	(A-8566)	240.1500	rc	(A-8566)
240.870	rc	(A-8566)	240.1500	rc	(P-14365) (E-14679)
240.880	rc	(A-8566)	240.1500	n	(P-14365) (E-14679)
240.890	rc	(A-8566)	240.1510	rc	(P-14365) (E-14679)
240.905	rc	(A-8566)	240.1520	n	(P-14365) (E-14679)



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n

(P-8503/90; A-1833)

790.2645

n

(P-16779/90; A-11646)

(P-18457/90; A-6566)

II. C

(P-1745290; A-11706)

590.30

n

(P-8503/90; A-1833)

790.2655

am

(P-16779/90; A-11646)

(P-18457/90; A-6566)

II. D

(P-1745290; A-11706)

590.40

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(P-8493/90; A-1830)

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am

(P-16779/90; A-11646)

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r

(P-8493/90; A-1830)

790.2661

am

(P-16779/90; A-11646)

(P-18457/90; A-6566)

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(P-1745290; A-11706)

590.100

r

(P-8493/90; A-1830)

790.2662

am

(P-16779/90; A-11646)

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500 Ap. C

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590.110

n

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790.2740

am

(P-16779/90; A-11646)

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500 Ap. D

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590.120

n

(P-8493/90; A-1830)

790.2805

am

(P-16779/90; A-11646)

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500 Ap. E

(P-1745290; A-11706)

590.110

n

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am

(P-16779/90; A-11646)

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II. A

(P-1745290; A-11706)

590.120

r

(P-8493/90; A-1833)

790.2902

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. B

(P-1745290; A-11706)

590.130

r

(P-8493/90; A-1833)

790.2908

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. C

(P-1745290; A-11706)

590.130

r

(P-8503/90; A-1833)

790.3020

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. D

(P-1745290; A-11706)

590.140

r

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. E

(P-1745290; A-11706)

590.150

r

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-18457/90; A-6566)

II. F

(P-1745290; A-11706)

590.160

r

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. G

(P-1745290; A-11706)

590.170

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. H

(P-1745290; A-11706)

590.180

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. I

(P-1745290; A-11706)

590.190

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. J

(P-1745290; A-11706)

590.200

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

500 Ap. F

(P-1745290; A-11706)

590.210

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. A

(P-1745290; A-11706)

590.220

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. B

(P-1745290; A-11706)

590.230

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. C

(P-1745290; A-11706)

590.240

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. D

(P-1745290; A-11706)

590.250

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. E

(P-1745290; A-11706)

590.260

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. F

(P-1745290; A-11706)

590.270

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

500 Ap. G

(P-1745290; A-11706)

590.280

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. A

(P-1745290; A-11706)

590.290

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. B

(P-1745290; A-11706)

590.300

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. C

(P-1745290; A-11706)

590.310

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. D

(P-1745290; A-11706)

590.320

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. E

(P-1745290; A-11706)

590.330

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. F

(P-1745290; A-11706)

590.340

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

500 Ap. H

(P-1745290; A-11706)

590.350

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. A

(P-1745290; A-11706)

590.360

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. B

(P-1745290; A-11706)

590.370

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

II. C

(P-1745290; A-11706)

590.380

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

II. D

(P-1745290; A-11706)

590.390

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

II. E

(P-1745290; A-11706)

590.400

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

500 Ap. I

(P-1745290; A-11706)

590.410

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

510.10

(P-1745290; A-11706)

590.420

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

510.11

(P-1745290; A-11706)

590.430

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

510.12

(P-1745290; A-11706)

590.440

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

510.13

(P-1745290; A-11706)

590.450

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.10

(P-1745290; A-11706)

590.460

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.20

(P-1745290; A-11706)

590.470

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.30

(P-1745290; A-11706)

590.480

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.40

(P-1745290; A-11706)

590.490

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.50

(P-1745290; A-11706)

590.500

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.60

(P-1745290; A-11706)

590.510

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.70

(P-1745290; A-11706)

590.520

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.80

(P-1745290; A-11706)

590.530

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.90

(P-1745290; A-11706)

590.540

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.100

(P-1745290; A-11706)

590.550

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.200

(P-1745290; A-11706)

590.560

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.300

(P-1745290; A-11706)

590.570

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.400

(P-1745290; A-11706)

590.580

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.500

(P-1745290; A-11706)

590.590

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.600

(P-1745290; A-11706)

590.600

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.700

(P-1745290; A-11706)

590.610

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535.800

(P-1745290; A-11706)

590.620

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

535.900

(P-1745290; A-11706)

590.630

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

535.1000

(P-1745290; A-11706)

590.640

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

535 Ap. A

(P-1745290; A-11706)

590.650

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.65

(P-1745290; A-11706)

590.660

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.90

(P-1745290; A-11706)

590.670

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.100

(P-1745290; A-11706)

590.680

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.200

(P-1745290; A-11706)

590.690

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.300

(P-1745290; A-11706)

590.700

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.400

(P-1745290; A-11706)

590.710

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.500

(P-1745290; A-11706)

590.720

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.600

(P-1745290; A-11706)

590.730

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.700

(P-1745290; A-11706)

590.740

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.800

(P-1745290; A-11706)

590.750

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.900

(P-1745290; A-11706)

590.760

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.1000

(P-1745290; A-11706)

590.770

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.2000

(P-1745290; A-11706)

590.780

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.3000

(P-1745290; A-11706)

590.790

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.4000

(P-1745290; A-11706)

590.800

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.5000

(P-1745290; A-11706)

590.810

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.6000

(P-1745290; A-11706)

590.820

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.7000

(P-1745290; A-11706)

590.830

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.8000

(P-1745290; A-11706)

590.840

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.9000

(P-1745290; A-11706)

590.850

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.10000

(P-1745290; A-11706)

590.860

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.20000

(P-1745290; A-11706)

590.870

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.30000

(P-1745290; A-11706)

590.880

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-3417; A-11791) (E-3537)

540.40000

(P-1745290; A-11706)

590.890

n

(P-8493/90; A-1830)

790.3027

am

(P-16779/90; A-11646)

(P-11070; E-11194)

540.50000

(P-1745290; A-11706)

590.900

n

(P-8503/90; A-1833)

790.3027

am

(P-16779/90; A-11646)

(P-15943; E-16484)

540.60000

(P-1745290; A-11706)

590.910

n

(P-8493/90; A-1830)

790.3027

am

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TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
790.5320	am	925.20	am
790.5380	am	925.30	am
790.5420	am	925.40	am
790.5483	am	925.50	am
790.5540	am	925.60	am
790.5640	am	925.70	am
790.5660	am	925.80	am
790.5740	am	925.90	am
790.5792	am	926.00	am
790.5820	am	926.10	am
790.5830	am	926.20	am
790.5840	am	926.30	am
790.5900	am	926.40	am
790.5924	am	926.50	am
790.5940	am	926.60	am
790.6020	am	926.70	am
790.6180	am	926.80	am
790.6300	am	926.90	am
790.6370	am	927.00	am
790.6430	am	927.10	am
790.6435	am	927.20	am
790.6500	am	927.30	am
790.6505	n	927.40	am
790.6610	am	927.50	am
790.6875	am	927.60	am
790.6960	am	927.70	am
790.7120	am	927.80	am
790.7160	am	927.90	am
790.7221	n	928.00	am
790.7245	am	928.10	am
790.7280	am	928.20	am
790.7278	am	928.30	am
790.7294	r	928.40	am
790.7340	am	928.50	am
790.7380	am	928.60	am
790.7740	am	928.70	am
790.7820	am	928.80	am
790.7828	am	928.90	am
790.8015	am	929.00	am
790.8020	am	929.10	am
790.8106	am	929.20	am
790.8140	am	929.30	am
790.8290	am	929.40	am
790.8420	am	929.50	am
790.8500	am	929.60	am
790.8580	am	929.70	am
790.8620	am	929.80	am
790.8710	am	929.90	am
790.9048	am	930.00	am
790.9050	am	930.10	am
790.9056	am	930.20	am
790.9084	am	930.30	am
790.9100	am	930.40	am
790.9220	am	930.50	am
790.9320	r	930.60	am
790.9420	am	930.70	am
790.9460	am	930.80	am
790.9500	am	930.90	am
790.9580	am	931.00	am
895.10	am	931.10	am
895.20	am	931.20	am
895.30	am	931.30	am
895.40	am	931.40	am
895.50	am	931.50	am
905.10	am	931.60	am
905.15	am	931.70	am
905.20	am	931.80	am
905.30	am	931.90	am
905.40	am	932.00	am
905.50	am	932.10	am
905.55	am	932.20	am
905.60	am	932.30	am
905.70	am	932.40	am
905.80	am	932.50	am
905.90	am	932.60	am
905.100	am	932.70	am
905.110	am	932.80	am
905.120	am	932.90	am
905.125	am	933.00	am
905.130	am	933.10	am
905.140	am	933.20	am
905.150	am	933.30	am
905.160	am	933.40	am
905.170	am	933.50	am
905.180	am	933.60	am
905.190	am	933.70	am
905.200	am	933.80	am
905.210	am	933.90	am
905.Ap.A	am	934.00	am
905.Ap.B	am	934.10	am
920.10	am	934.20	am
920.15	am	934.30	am
920.20	am	934.40	am
920.30	am	934.50	am
920.40	am	934.60	am
920.50	am	934.70	am
920.60	am	934.80	am
920.70	am	934.90	am
920.80	am	935.00	am
920.90	am	935.10	am
920.100	am	935.20	am
920.110	am	935.30	am
920.120	am	935.40	am
920.130	am	935.50	am
920.140	am	935.60	am
920.150	n	935.70	am
920.160	n	935.80	am
920.170	am	935.90	am
920.180	am	936.00	am
920.190	am	936.10	am
920.200	am	936.20	am
920.210	am	936.30	am
920.220	am	936.40	am
920.230	am	936.50	am
920.240	am	936.60	am
920.250	am	936.70	am
920.260	am	936.80	am
920.270	am	936.90	am
920.280	am	937.00	am
920.290	am	937.10	am
920.300	am	937.20	am
920.310	am	937.30	am
920.320	am	937.40	am
920.330	am	937.50	am
920.340	am	937.60	am
920.350	am	937.70	am
920.360	am	937.80	am
920.370	am	937.90	am
920.380	am	938.00	am
920.390	am	938.10	am
920.400	am	938.20	am
920.410	am	938.30	am
920.420	am	938.40	am
920.430	am	938.50	am
920.440	am	938.60	am
920.450	am	938.70	am
920.460	am	938.80	am
920.470	am	938.90	am
920.480	am	939.00	am
920.490	am	939.10	am
920.500	am	939.20	am
920.510	am	939.30	am
920.520	am	939.40	am
920.530	am	939.50	am
920.540	am	939.60	am
920.550	am	939.70	am
920.560	am	939.80	am
920.570	am	939.90	am
920.580	am	940.00	am
920.590	am	940.10	am
920.600	am	940.20	am
920.610	am	940.30	am
920.620	am	940.40	am
920.630	am	940.50	am
920.640	am	940.60	am
920.650	am	940.70	am
920.660	am	940.80	am
920.670	am	940.90	am
920.680	am	941.00	am
920.690	am	941.10	am
920.700	am	941.20	am
920.710	am	941.30	am
920.720	am	941.40	am
920.730	am	941.50	am
920.740	am	941.60	am
920.750	am	941.70	am
920.760	am	941.80	am
920.770	am	941.90	am
920.780	am	942.00	am
920.790	am	942.10	am
920.800	am	942.20	am
920.810	am	942.30	am
920.820	am	942.40	am
920.830	am	942.50	am
920.840	am	942.60	am
920.850	am	942.70	am
920.860	am	942.80	am
920.870	am	942.90	am
920.880	am	943.00	am
920.890	am	943.10	am
920.900	am	943.20	am
920.910	am	943.30	am
920.920	am	943.40	am
920.930	am	943.50	am
920.940	am	943.60	am
920.950	am	943.70	am
920.960	am	943.80	am
920.970	am	943.90	am
920.980	am	944.00	am
920.990	am	944.10	am
921.000	am	944.20	am
921.010	am	944.30	am
921.020	am	944.40	am
921.030	am	944.50	am
921.040	am	944.60	am
921.050	am	944.70	am
921.060	am	944.80	am
921.070	am	944.90	am
921.080	am	945.00	am
921.090	am	945.10	am
921.100	am	945.20	am
921.110	am	945.30	am
921.120	am	945.40	am
921.130	am	945.50	am
921.140	am	945.60	am
921.150	am	945.70	am
921.160	am	945.80	am
921.170	am	945.90	am
921.180	am	946.00	am
921.190	am	946.10	am
921.200	am	946.20	am
921.210	am	946.30	am
921.220	am	946.40	am
921.230	am	946.50	am
921.240	am	946.60	am
921.250	am	946.70	am
921.260	am	946.80	am
921.270	am	946.90	am
921.280	am	947.00	am
921.290	am	947.10	am
921.300	am	947.20	am
921.310	am	947.30	am
921.320	am	947.40	am
921.330	am	947.50	am
921.340	am	947.60	am
921.350	am	947.70	am
921.360	am	947.80	am
921.370	am	947.90	am
921.380	am	948.00	am
921.390	am	948.10	am
921.400	am	948.20	am
921.410	am	948.30	am
921.420	am	948.40	am
921.430	am	948.50	am
921.440	am	948.60	am
921.450	am	948.70	am
921.460	am	948.80	am
921.470	am	948.90	am
921.480	am	949.00	am
921.490	am	949.10	am
921.500	am	949.20	am
921.510	am	949.30	am
921.520	am	949.40	am
921.530	am	949.50	am
921.540	am	949.60	am
921.550	am	949.70	am
921.560	am	949.80	am
921.570	am	949.90	am
921.580	am	950.00	am
921.590	am	950.10	am
921.600	am	950.20	am
921.610	am	950.30	am
921.620	am	950.40	am
921.630	am	950.50	am
921.640	am	950.60	am
921.650	am	950.70	am
921.660	am	950.80	am
921.670	am	950.90	am
921.680	am	951.00	am
921.690	am	951.10	am
921.700	am	951.20	am
921.710	am	951.30	am
921.720	am	951.40	am
921.730			



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2030.730	n	(P-9083)	2030.1250	r	(P-9153)
2030.740	r	(P-9153)	2030.1250	n	(P-9083)
2030.740	n	(P-9083)	2030.1255	r	(P-9153)
2030.750	n	(P-9153)	2030.1255	n	(P-9083)
2030.750	n	(P-9083)	2030.1260	r	(P-9153)
2030.760	n	(P-9153)	2030.1265	n	(P-9083)
2030.760	n	(P-9083)	2030.1270	n	(P-9153)
2030.810	n	(P-9153)	2030.1310	r	(P-9153)
2030.810	n	(P-9083)	2030.1320	r	(P-9153)
2030.820	n	(P-9153)	2030.1320	n	(P-9083)
2030.820	n	(P-9083)	2030.1330	r	(P-9153)
2030.830	n	(P-9083)	2030.1340	r	(P-9153)
2030.840	n	(P-9083)	2030.1350	r	(P-9153)
2030.850	n	(P-9083)	2031.10	r	(P-9149)
2030.910	n	(P-9153)	2032.10	r	(P-9218)
2030.910	n	(P-9083)	2032.15	r	(P-9218)
2030.920	r	(P-9153)	2032.20	r	(P-9218)
2030.930	r	(P-9153)	2032.25	r	(P-9218)
2030.940	r	(P-9153)	2032.30	r	(P-9218)
2030.950	r	(P-9153)	2032.35	r	(P-9218)
2030.960	r	(P-9153)	2032.40	r	(P-9218)
2030.970	r	(P-9153)	2032.45	r	(P-9218)
2030.980	r	(P-9153)	2032.50	r	(P-9218)
2030.1010	n	(P-9153)	2032.55	r	(P-9218)
2030.1010	n	(P-9083)	2032.60	r	(P-9218)
2030.1020	r	(P-9153)	2058.105	am	(P-9218)
2030.1020	n	(P-9083)			(P-6457/90; A-2597) (P-8337; A-13708)
2030.1030	n	(P-9153)	2058.110	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1040	n	(P-9083)			(P-8337; A-13708)
2030.1040	n	(P-9153)	2058.115	am	(P-6457/90; A-2597)
2030.1040	n	(P-9083)	2058.120	am	(P-6457/90; A-2597)
2030.1010	n	(P-9153)	2058.125	am	(P-8337; A-13708)
2030.1050	n	(P-9083)	2058.130	am	(P-6457/90; A-2597)
2030.1060	n	(P-9083)	2058.135	r	(P-8337; A-13708)
2030.1070	n	(P-9083)	2058.200	am	(P-8337; A-13708)
2030.1080	n	(P-9083)	2058.205	am	(P-8337; A-13708)
2030.1090	n	(P-9083)	2058.220	am	(P-8337; A-13708)
2030.1110	n	(P-9153)	2058.230	am	(P-8337; A-13708)
2030.1110	n	(P-9083)			(P-6457/90; A-2597) (P-8337; A-13708)
2030.1120	r	(P-9153)	2058.235	am	(P-6457/90; A-2597)
2030.1120	n	(P-9083)	2058.303	am	(P-6457/90; A-2597)
2030.1130	n	(P-9153)	2058.303	r	(P-8337; A-13708)
2030.1130	n	(P-9083)	2058.306	am	(P-8337; A-13708)
2030.1140	n	(P-9153)			(P-6457/90; A-2597) (P-8337; A-13708)
2030.1140	n	(P-9083)	2058.309	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1150	n	(P-9083)			(P-8337; A-13708)
2030.1160	n	(P-9083)	2058.312	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1205	n	(P-9153)			(P-8337; A-13708)
2030.1205	n	(P-9083)	2058.315	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1210	n	(P-9153)			(P-8337; A-13708)
2030.1210	n	(P-9083)	2058.318	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1215	r	(P-9153)			(P-8337; A-13708)
2030.1215	n	(P-9083)	2058.319	n	(P-6457/90; A-2597)
2030.1215	n	(P-9153)	2058.321	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1220	n	(P-9153)			(P-8337; A-13708)
2030.1220	n	(P-9083)	2058.324	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1225	n	(P-9153)	2058.327	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1225	n	(P-9083)			(P-8337; A-13708)
2030.1230	n	(P-9153)	2058.330	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1230	n	(P-9083)			(P-8337; A-13708)
2030.1235	r	(P-9153)	2058.333	am	(P-6457/90; A-2597) (P-8337; A-13708)
2030.1240	r	(P-9153)			(P-8337; A-13708)
2030.1245	n	(P-9153)			(P-6457/90; A-2597) (P-8337; A-13708)
2030.1245	n	(P-9083)			(P-8337; A-13708)

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2058.336	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.30	am	(P-4497; A-11080)
2058.342	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.40	am	(P-4497; A-11080)
2058.343	n	(P-6457/90; A-2597)	(P-8337; A-13708)	310.100	am	(P-6364; A-14210)
2058.348	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.130	am	(P-12051)
2058.351	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.230	am	(P-6364; A-14210)
2058.354	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.280	am	(P-4497; A-11080)
2058.357	am	(P-8337; A-13708)	(P-8337; A-13708)	310.320	am	(P-4497; A-11080)
2058.360	am	(P-8337; A-13708)	(P-8337; A-13708)	310.350	am	(P-14657/90; A-3296)
2058.363	am	(P-8337; A-13708)	(P-8337; A-13708)	310.490	am	(P-5147; A-13080)
2058.366	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.530	am	(P-5147; A-13080)
2058.369	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(E-10485)
2058.372	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(E-10485)
2058.374	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-5147; A-13080)
2058.376	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(E-10485)
2058.378	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-663; P-14657/90; A-3296)
2058.380	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.382	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.384	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.386	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.388	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.390	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(C-11537)
2058.392	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.394	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.396	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2058.400	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.405	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.410	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.600	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2058.602	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.603	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(PP-5465)
2058.630	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2058.630	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.705	am	(P-8337; A-13708)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2058.805	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2058.905	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2090.10	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.20	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2090.30	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.40	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2090.50	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2090.55	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.60	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2090.65	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.70	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2090.75	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.80	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2090.85	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2090.90	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2090.95	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.00	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.05	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.10	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.15	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.20	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.25	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.30	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.35	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.40	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.45	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.50	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.55	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.60	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.65	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.70	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.75	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.80	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2091.85	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2091.90	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2091.95	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.00	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.05	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.10	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.15	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.20	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.25	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.30	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.35	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.40	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.45	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.50	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.55	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.60	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.65	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.70	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.75	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.80	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2092.85	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2092.90	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2092.95	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.00	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.05	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.10	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.15	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.20	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.25	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.30	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.35	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.40	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.45	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.50	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.55	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.60	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.65	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.70	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.75	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.80	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2093.85	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2093.90	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2093.95	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.00	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.05	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.10	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.15	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.20	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.25	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.30	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.35	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.40	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.45	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.50	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.55	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.60	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.65	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.70	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.75	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(PP-5465)
2094.80	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-12051) (C-11537)
2094.85	am	(P-6457/90; A-2597)	(P-8337; A-13708)	310.540	am	(P-4497; W-5920)
2094.90	am	(P-6457/90; A-2597)	(P-83			



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220.40	am	(P-1565390; A-5056)	730.506	r	(P-1650; A-16082)
220.50	am	(P-1565390; A-5056)	730.507	r	(P-1650; A-16082)
280.100	am	(P-9801; A-16050)	730.508	r	(P-1650; A-16082)
285.210	am	(P-9807; A-16050)	730.509	r	(P-1650; A-16082)
305.20	am	(P-16538)	730.510	n	(P-1627; A-16060)
315.10	am	(P-16538)	730.511	r	(P-1650; A-16082)
315.20	am	(P-13585)	730.515	r	(P-1627; A-16060)
315.30	am	(P-13585)	730.520	n	(P-1627; A-16060)
315.40	n	(P-13585)	730.525	n	(P-1627; A-16060)
315.50	n	(P-13585)	730.530	n	(P-1627; A-16060)
315.60	n	(P-13585)	730.535	n	(P-1627; A-16060)
410.360	r	(P-11899)	730.540	n	(P-1627; A-16060)
445.40	am	(P-11025)	730.600	n	(P-1627; A-16060)
445.50	am	(P-11025)	730.601	n	(P-1650; A-16082)
445.70	am	(P-11025)	730.602	r	(P-1650; A-16082)
500.335	am	(P-11905)	730.603	r	(P-1650; A-16082)
710.1	am	(P-2056590; A-8205)	730.604	r	(P-1650; A-16082)
710.1000	am	(P-2056590; A-8205)	730.605	n	(P-1627; A-16060)
730.100	n	(P-1627; A-16060)	730.605	n	(P-1650; A-16082)
730.101	r	(P-1650; A-16082)	730.606	r	(P-1650; A-16082)
730.102	r	(P-1650; A-16082)	730.607	r	(P-1650; A-16082)
730.103	r	(P-1650; A-16082)	730.608	r	(P-1650; A-16082)
730.105	n	(P-1627; A-16060)	730.609	r	(P-1650; A-16082)
730.200	n	(P-1627; A-16060)	730.610	r	(P-1650; A-16082)
730.201	r	(P-1650; A-16082)	730.611	r	(P-1650; A-16082)
730.202	r	(P-1650; A-16082)	730.700	n	(P-1627; A-16060)
730.203	r	(P-1650; A-16082)	730.701	n	(P-1650; A-16082)
730.300	n	(P-1627; A-16060)	730.702	r	(P-1650; A-16082)
730.300	n	(P-1627; A-16060)	730.703	r	(P-1650; A-16082)
730.305	n	(P-1627; A-16060)	730.705	n	(P-1627; A-16060)
730.310	n	(P-1627; A-16060)	730.710	n	(P-1627; A-16060)
730.315	n	(P-1627; A-16060)	730.715	n	(P-1627; A-16060)
730.320	n	(P-1627; A-16060)	730.720	n	(P-1627; A-16060)
730.325	n	(P-1627; A-16060)	730.725	n	(P-1627; A-16060)
730.330	n	(P-1627; A-16060)	730.801	r	(P-1650; A-16082)
730.335	n	(P-1627; A-16060)	730.802	r	(P-1650; A-16082)
730.400	n	(P-1627; A-16060)	730.803	r	(P-1650; A-16082)
730.401	r	(P-1650; A-16082)	730.804	r	(P-1650; A-16082)
730.402	r	(P-1650; A-16082)	730.805	r	(P-1650; A-16082)
730.403	r	(P-1650; A-16082)	755.10	am	(P-1910990; A-5624)
730.404	r	(P-1650; A-16082)	755.25	am	(P-1910990; A-5624)
730.405	n	(P-1627; A-16060)	755.105	am	(P-1910990; A-5624)
730.406	r	(P-1650; A-16082)	755.110	am	(P-1910990; A-5624)
730.407	r	(P-1650; A-16082)	755.115	am	(P-1910990; A-5624)
730.408	r	(P-1650; A-16082)	755.200	am	(P-1910990; A-5624)
730.409	r	(P-1650; A-16082)	755.205	am	(P-1910990; A-5624)
730.410	n	(P-1627; A-16060)	755.210	am	(P-1910990; A-5624)
730.415	n	(P-1627; A-16060)	755.405	am	(P-1910990; A-5624)
730.420	n	(P-1627; A-16060)	756.125	am	(P-1867590; A-5618)
730.425	n	(P-1627; A-16060)	756.220	am	(P-1867590; A-5618)
730.430	n	(P-1627; A-16060)	757.	(RC-5111)	
730.435	n	(P-1627; A-16060)	757.10	r	(P-4803; A-11926) (E-5082)
730.440	n	(P-1627; A-16060)	757.15	r	(P-4803; A-11926) (E-5082)
730.445	n	(P-1627; A-16060)	757.100	r	(P-4803; A-11926) (E-5082)
730.450	n	(P-1627; A-16060)	757.105	r	(P-4803; A-11926) (E-5082)
730.500	n	(P-1627; A-16060)	757.115	r	(P-4803; A-11926) (E-5082)
730.501	r	(P-1650; A-16082)	757.120	r	(P-4803; A-11926) (E-5082)
730.502	r	(P-1650; A-16082)	757.200	r	(P-4803; A-11926) (E-5082)
730.503	r	(P-1650; A-16082)	757.205	r	(P-4803; A-11926) (E-5082)
730.504	r	(P-1650; A-16082)	757.300	r	(P-4803; A-11926) (E-5082)
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757.400	r	(P-4803; A-11926) (E-5082)	130.2008
757.410	r	(P-4803; A-11926) (E-5082)	130.2010
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757.415	r	(P-4803; A-11926) (E-5082)	130.2035
757.415	r	(P-4803; A-11926) (E-5082)	130.2040
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757.415	r	(P-4803; A-11926) (E-5082)	130.2060
757.415	r	(P-4803; A-11926) (E-5082)	130.2075
757.415	r	(P-4803; A-11926) (E-5082)	130.2080
757.415	r	(P-4803; A-11926) (E-5082)	130.2085
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757.415	r	(P-4803; A-11926) (E-5082)	130.2105
757.415	r	(P-4803; A-11926) (E-5082)	130.2115
757.415	r	(P-4803; A-11926) (E-5082)	130.2140
757.415	r	(P-4803; A-11926) (E-5082)	130.2150
757.415	r	(P-4803; A-11926) (E-5082)	130.2165
757.415	r	(P-4803; A-11926) (E-5082)	130.2175
757.415	r	(P-4803; A-11926) (E-5082)	130.2185
757.415	r	(P-4803; A-11926) (E-5082)	130.2195
757.415	r	(P-4803; A-11926) (E-5082)	130.2205
757.415	r	(P-4803; A-11926) (E-5082)	130.2215
757.415	r	(P-4803; A-11926) (E-5082)	130.2225
757.415	r	(P-4803; A-11926) (E-5082)	130.2235
757.415	r	(P-4803; A-11926) (E-5082)	130.2245
757.415	r	(P-4803; A-11926) (E-5082)	130.2255
757.415	r	(P-4803; A-11926) (E-5082)	130.2265
757.415	r	(P-4803; A-11926) (E-5082)	130.2275
757.415	r	(P-4803; A-11926) (E-5082)	130.2285
757.415	r	(P-4803; A-11926) (E-5082)	130.2295
757.415	r	(P-4803; A-11926) (E-5082)	130.2305
757.415	r	(P-4803; A-11926) (E-5082)	130.2315
757.415	r	(P-4803; A-11926) (E-5082)	130.2325
757.415	r	(P-4803; A-11926) (E-5082)	130.2335
757.415	r	(P-4803; A-11926) (E-5082)	130.2345
757.415	r	(P-4803; A-11926) (E-5082)	130.2355
757.415	r	(P-4803; A-11926) (E-5082)	130.2365
757.415	r	(P-4803; A-11926) (E-5082)	130.2375
757.415	r	(P-4803; A-11926) (E-5082)	130.2385
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757.415	r	(P-4803; A-11926) (E-5082)	130.2405
757.415	r	(P-4803; A-11926) (E-5082)	130.2415
757.415	r	(P-4803; A-11926) (E-5082)	130.2425
757.415	r	(P-4803; A-11926) (E-5082)	130.2435
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757.415	r	(P-4803; A-11926) (E-5082)	130.2455
757.415	r	(P-4803; A-11926) (E-5082)	130.2465
757.415	r	(P-4803; A-11926) (E-5082)	130.2475
757.415	r	(P-4803; A-11926) (E-5082)	130.2485
757.415	r	(P-4803; A-11926) (E-5082)	130.2495
757.415	r	(P-4803; A-11926) (E-5082)	130.2505
757.415	r	(P-4803; A-11926) (E-5082)	130.2515
757.415	r	(P-4803; A-11926) (E-5082)	130.2525
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141.600	r	(P-12132) (E-12795)	141.2720	r	(P-12132) (E-12795)
141.640	r	(P-12132) (E-12795)	141.2760	r	(P-12132) (E-12795)
141.680	am	(P-831; A-7117) (E-1121)	141.2840	r	(P-12132) (E-12795)
141.680	r	(P-12132) (E-12795)	141.2880	r	(P-12132) (E-12795)
141.720	r	(P-12132) (E-12795)	141.2920	am	(P-831; A-7117) (E-1121)
141.760	r	(P-12132) (E-12795)	141.2960	r	(P-12132) (E-12795)
141.760	am	(P-831; A-7117) (E-1121)	141.2960	r	(P-12132) (E-12795)
141.800	r	(P-12132) (E-12795)	141.3000	r	(P-12132) (E-12795)
141.840	r	(P-12132) (E-12795)	141.3040	r	(P-12132) (E-12795)
141.880	r	(P-12132) (E-12795)	141.3080	r	(P-12132) (E-12795)
141.920	r	(P-12132) (E-12795)	141.3120	r	(P-12132) (E-12795)
141.960	r	(P-12132) (E-12795)	141.3160	r	(P-12132) (E-12795)
141.1000	r	(P-12132) (E-12795)	141.3200	r	(P-12132) (E-12795)
141.1040	r	(P-12132) (E-12795)	141.3240	r	(P-12132) (E-12795)
141.1080	r	(P-12132) (E-12795)	141.3280	r	(P-12132) (E-12795)
141.1120	r	(P-12132) (E-12795)	141.3320	am	(P-831; A-7117) (E-1121)
141.1125	am	(P-831; A-7117) (E-1121)	141.3360	r	(P-12132) (E-12795)
141.1160	r	(P-12132) (E-12795)	141.3400	r	(P-12132) (E-12795)
141.1200	am	(P-831; A-7117) (E-1121)	141.3440	r	(P-12132) (E-12795)
141.1240	r	(P-12132) (E-12795)	141.3480	r	(P-12132) (E-12795)
141.1280	r	(P-12132) (E-12795)	141.3520	r	(P-12132) (E-12795)
141.1320	r	(P-12132) (E-12795)	141.3560	am	(P-831; A-7117) (E-1121)
141.1360	r	(P-12132) (E-12795)	141.3600	am	(P-831; A-7117) (E-1121)
141.1400	r	(P-12132) (E-12795)	141.3640	am	(P-831; A-7117) (E-1121)
141.1440	r	(P-12132) (E-12795)	141.3680	r	(P-12132) (E-12795)
141.1480	r	(P-12132) (E-12795)	141.3720	am	(P-831; A-7117) (E-1121)
141.1520	am	(P-831; A-7117) (E-1121)	141.3760	r	(P-12132) (E-12795)
141.1560	r	(P-12132) (E-12795)	141.3800	am	(P-831; A-7117) (E-1121)
141.1600	r	(P-12132) (E-12795)	141.3840	r	(P-12132) (E-12795)
141.1640	r	(P-12132) (E-12795)	141.3880	r	(P-12132) (E-12795)
141.1680	r	(P-12132) (E-12795)	141.3920	r	(P-12132) (E-12795)
141.1720	r	(P-12132) (E-12795)	141.3960	r	(P-12132) (E-12795)
141.1760	r	(P-12132) (E-12795)	141.4000	r	(P-12132) (E-12795)
141.1800	r	(P-12132) (E-12795)	141.4040	r	(P-12132) (E-12795)
141.1840	am	(P-831; A-7117) (E-1121)	141.4080	r	(P-12132) (E-12795)
141.1880	am	(P-831; A-7117) (E-1121)	141.4120	r	(P-12132) (E-12795)
141.1880	r	(P-12132) (E-12795)	141.4160	r	(P-12132) (E-12795)
141.1920	r	(P-12132) (E-12795)	141.4200	r	(P-12132) (E-12795)
141.1960	r	(P-12132) (E-12795)	141.4240	am	(P-831; A-7117) (E-1121)
141.2000	r	(P-12132) (E-12795)	141.4280	r	(P-12132) (E-12795)
141.2040	am	(P-831; A-7117) (E-1121)	141.4320	r	(P-12132) (E-12795)
141.2080	am	(P-831; A-7117) (E-1121)	141.4360	am	(P-831; A-7117) (E-1121)
141.2120	am	(P-831; A-7117) (E-1121)	141.4400	r	(P-12132) (E-12795)
141.2160	am	(P-831; A-7117) (E-1121)	141.4440	r	(P-12132) (E-12795)
141.2200	am	(P-12132) (E-12795)	141.4480	r	(P-12132) (E-12795)
141.2240	r	(P-12132) (E-12795)	141.4520	am	(P-831; A-7117) (E-1121)
141.2280	r	(P-12132) (E-12795)	141.4560	r	(P-12132) (E-12795)
141.2320	r	(P-12132) (E-12795)	141.4600	r	(P-12132) (E-12795)
141.2360	r	(P-12132) (E-12795)	141.4640	r	(P-12132) (E-12795)
141.2400	am	(P-831; A-7117) (E-1121)	141.4680	am	(P-831; A-7117) (E-1121)
141.2440	r	(P-12132) (E-12795)	141.4720	r	(P-12132) (E-12795)
141.2480	r	(P-12132) (E-12795)	141.4760	r	(P-12132) (E-12795)
141.2520	am	(P-831; A-7117) (E-1121)	141.4800	r	(P-831; A-7117) (E-1121)
141.2560	r	(P-12132) (E-12795)			
141.2600	r	(P-12132) (E-12795)			
141.2640	am	(P-831; A-7117) (E-1121)			

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144.275	am	(P-816; A-14084) (P-15926)	148.120	am	(P-15928) (E-16166)
144.300	n	(E-16148)	148.130	am	(P-15928) (E-16166)
144.325	n	(P-7455)	148.140	am	(P-15928) (E-16166)
147.5	am	(P-7455)	148.150	am	(P-15928) (E-16166)
147.15	am	(P-19653/90; A-7162) (P-870; A-13390)	148.160	am	(P-15928) (E-16166)
147.25	am	(P-19653/90; A-7162) (P-870; A-13390)	148.170	am	(P-15928) (E-16166)
147.50	am	(P-19653/90; A-7162) (P-870; A-13390)	148.180	am	(P-15928) (E-16166)
147.75	am	(P-19653/90; A-7162) (P-870; A-13390)	148.190	am	(P-15928) (E-16166)
147.150	am	(P-13967/90; A-2715)	148.200	am	(P-15928) (E-16166)
147.200	am	(P-2919; A-9001)	148.210	am	(P-15928) (E-16166)
147.205	am	(P-13967/90; A-2715)	148.220	am	(P-15928) (E-16166)
147.250	n	(P-5434/90; O-5118; RC-5120)	148.230	am	(P-15928) (E-16166)
147.300	n	(P-9355/90; A-6238)	148.240	am	(P-15928) (E-16166)
147.305	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.250	am	(P-15928) (E-16166)
147.310	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.260	am	(P-15928) (E-16166)
147.315	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.270	am	(P-15928) (E-16166)
147.320	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.280	am	(P-15928) (E-16166)
147.325	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.290	am	(P-15928) (E-16166)
147.330	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.300	am	(P-15928) (E-16166)
147.335	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.310	am	(P-15928) (E-16166)
147.340	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.320	am	(P-15928) (E-16166)
147.345	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.330	am	(P-15928) (E-16166)
147.350	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.340	am	(P-15928) (E-16166)
147.355	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.350	am	(P-15928) (E-16166)
147.360	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.360	am	(P-15928) (E-16166)
147.365	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.370	am	(P-15928) (E-16166)
147.370	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.380	am	(P-15928) (E-16166)
147.375	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.390	am	(P-15928) (E-16166)
147.380	n	(P-9355/90; O-13039/90; R-3129; A-3058)	148.400	n	(P-15931) (E-16308)
147.385	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.5	am	(P-15931) (E-16308)
147.390	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.25	am	(P-15931) (E-16308)
147.395	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.50	am	(P-15931) (E-16308)
147.400	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.75	am	(P-15931) (E-16308)
147.405	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.100	am	(P-15931) (E-16308)
147.410	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.105	am	(P-15931) (E-16308)
147.415	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.125	am	(P-15931) (E-16308)
147.420	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.150	am	(P-15931) (E-16308)
147.425	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.175	r	(P-15931) (E-16308)
147.430	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.200	r	(P-15931) (E-16308)
147.435	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.225	r	(P-15931) (E-16308)
147.440	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.250	r	(P-15931) (E-16308)
147.445	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.275	r	(P-15931) (E-16308)
147.450	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.300	r	(P-15931) (E-16308)
147.455	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.325	r	(P-15931) (E-16308)
147.460	n	(P-9355/90; O-13039/90; R-3129; A-3058)	149.350	r	(P-15931) (E-16308)
147.465	n	(P-9355/90; O-13039/90; R-3129; A-3058)	160.5	am	(P-806)
147.470	n	(P-9355/90; O-13039/90; R-3129; A-3058)	160.10	am	(P-806)
147.475	n	(P-9355/90; O-13039/90; R-3129; A-3058)	160.20	am	(P-806)
147.480	n	(P-9355/90; O-13039/90; R-3129; A-3058)	160.70	am	(P-17436/90; A-1034)
147.485	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.430	am	(P-17007) (E-17398)
147.490	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.430	am	(P-17007) (E-17398)
147.495	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.430	am	(P-17007) (E-17398)
147.500	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.430	am	(P-17007) (E-17398)
147.505	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.655	am	(P-14335) (E-14593)
147.510	n	(P-9355/90; O-13039/90; R-3129; A-3058)	240.665	am	(P-2838) (P-18635/90; A-10351)
147.515	n	(P-9355/90; O-13039/90; R-3129; A-3058)	300.20	am	(P-8735; PF-14320; W-16520) (E-14285)
147.520	n	(P-9355/90; O-13039/90; R-3129; A-3058)	300.30	am	(P-8735) (E-14285)
147.525	n	(P-9355/90; O-13039/90; R-3129; A-3058)	335.100	am	(P-8415)
147.530	n	(P-9355/90; O-13039/90; R-3129; A-3058)	335.102	am	(P-8415)
147.535	n	(P-9355/90; O-13039/90; R-3129; A-3058)	335.200	am	(P-8415)
147.540	n	(P-9355/90; O-13039/90; R-3129; A-3058)	335.202	am	(P-8415)
147.545	n	(P-9355/90; O-13039/90; R-3129; A-3058)	335.300	am	(P-8415)

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